REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVI

Colonial Office. Class 5. Vol. 1333.

[pp 1-98]

[Pages 1-98 are duplicate letters of Lord Boletourt to the Earl of Hillsborough from September 1769 to June 1770 with enclosures. Transcribed in C.O.5. 1347 and 1348]

[p.99]

[Letter from Lord Hillsborough to John Stuart 13 May 1769. No. 10
See transcript in C.O.5. 70. p. 407.]

[p.101]

[Copy of a letter from John Stuart to Lord Boletourt 3 August 1769
Endorsed by Lord Boletourt :- "Copy of a letter received Aug 21st."
See transcript in C.O.5. 70. p. 587]

REPRODUCED FROM THE COLLECTIONS OF THE HISTORICAL SOCIETY

[p.104]

6th of December, 10th Geo III. 1769
laid before the house of burgesses.

[The darker wording is the endorsement]

Virginia.

A true and full Act of all the Orders of Council for Granting Lands, and also of all petitions which have been presented, the Consideration of which is postponed; and likewise of all Petitions for Lands lying between the Allegany Mountains, and a Line that may be run from the Western Boundary of the Carolina Line, to the confluence of the River Ohio with the Mississipi.

Recd. with Lord Botetourts Letter of 31 July. 1770.

Read Novr 14. 1770

B. b. 8.

REPRODUCED FROM THE COLLECTIONS OF THE HARVARD LAW SCHOOL

X

6th of December, 10th Geo III. 1769 [P.101]
laid before the house of burgesses.

[The darker wording
is the endorsement]

Virginia.

A true and full Acct of all the Orders of Council for Granting Lands, and also of all petitions which have been presented, the Consideration of which is postponed; and likewise of all Petitions for Lands lying between the Allegany Mountains, and a Line that may be run from the Western Boundary of the Carolina Line, to the Confluence of the River Ohio with the Mississipi.

Recd. with Lord
Botetourts Letter
of 31 July. 1770.

Read Novr 1th. 1770

B. b. 8.

REPRODUCED FROM THE COLLECTIONS OF THE

[Paper]

In obedience to his Excellency the Governor's Comm.
-mands, in consequence of an Order of the House of
Burgesses, of the 29th of Novemr 1769, I do hereby Certify
that the following is a true and full Account of all
the Orders of Council for granting Lands agreeably to
their Request to his Excellency; and also of all Petitions
which have been presented, the consideration of which
is postponid; and likewise of all Petitions for Lands
lying between the Alleghany Mountains and a line that
may be run from the Western Boundary of the Carolina
line to the confluence of the Kenh- bine with the Mis
sissippi, on any Office which have not been presented

N: Walthoe Cl Com

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605/1338

[1745]
p. 1 of original

1745

April 26th 1. To John Robinson sen.r Esq.r and others one hun.
.dred thousand Acres lying on Green Brier River
N.o West and West of the bow Pasture and New.
.foundland.

To John Smith and others Fifty Thousand Acres on
the River and Branches of Roanoke and the
Branches of James River.

2 To James Patton and others, one hundred Thou.
.sand Acres in Augusta County on three branches
of Mississippi River, the one known by the name
of Woods River, the other two to the Westward
thereof and on the Waters of the said River.

3. To Henry Downs and others Fifty Thousand Acres
lying West of the bow Pasture or Green Brier
River.

Nov.r 4th 4. To John Blair Esq and others One Hundred Thou.
.sand Acres lying to the Westward of the
Line of Lord Fairfax on the Waters of Potomack
and Youghyoughgane.

1746
Apl. 8th 5. To Thomas Basset and others Fifty Thousand Acres
to begin in the forks of Mississippi River and to
run up and down both the said forks, and
down the main River.

1747
Apl. 22.d 6 To W.m M.c Machon and others Sixty Thousand Acres
joining the Grant of John Blair Esq.r and others.

and upon the Waters of Potomack West and N.W. West of the Line of Lord Fairfax, and on the Brianches of Youghyoughgane and Monangaly.

1747
May 7th To William Gray and others Five Thousand Acres in
Lunenburg begining at three markd trees at the foot of the Indian Field Mountains runing on the branches of Irvin River.

7. To the same Ten Thousand Acres in Augusta begining on the opposite side at the foot of the Indian Field Mountains runing on the branches of New River or Mississippi.

[p. 146] p. 9

Augt 6th 8. To the Revd Mr William Dawson and others Eight Thou-
-sand Acres on the Head Branches of Tye and
Rock Fish Rivers, near the three ridged Mountain,
Priest's Mountain and the Blew Ridge.

9. To William Gray and others Ten thousand Acres in Au-
-gusta joining their Grant for Ten Thousand Acres in May 1747, runing down the Branches of Mississip-
-pi River.

1748
May 4th 10. To William Gray and others Ten Thousand Acres in Augusta lying on the West side of the Indian Field Mountains runing on the Branches of New River or Mississippi.

June 17th 11. To William Gray and others Ten Thousand Acres in Augusta joining their Grant for Ten Thousand Acres in May 1747 runing down the Branches of Mississippi River.

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COS/1383

1749
Apl 14th. To John Robinson sent Esq, and Co. Leave is granted
d to renew their Order of Council of the 26th of Apl
1745, and four years longer time allowd them to
survey.

Apl 27th To Henry Downs and others Leave is granted to
renew their Order of Council of the 26th April 1745,
d and four years longer time allowd them to survey.

July 12th. 12. To John Hanbury of London Merchant, Thomas Lee
Esq. and others Two Hundred Thousand Acres be-
-twixt Romanetto's and Buffalo's Creek on the S.
side of the River Alligane otherwise the Ohio, and
betwixt the two Creeks and the yellow Creek
on the N. Side of the River, or in such other
parts of the West of the Great Mountains as shall
be adjudged most proper by the Petitioners for
making Settlements thereon; on certain conditions,
which being complied with, they have leave
/to take up and survey Three Hundred Thousand [1,147]
Acres more under the like restrictions and Con- p. 3.
-ditions, as for the first Two Hundred Thousand
Acres and adjoining thereto within the said limits.

13. To Bernard Moore and others One Hundred Thou-
-sand Acres on the Waters of Mississippi River be-
-ginning at ten trees markd PTG standing in
the Fork of a branch of the said River known
by the name of New River, and so down the

said River and the Waters of the said Mississippi River.

14. To John Lewis Esq and others Eight Hundred Thousand Acres in one or more surveys, begining on the bounds between this Colony and N° Carolina and runing to the Westward and to the North so as to include the said quantity.

15. To Peyton Randolph and others Four Hundred Thou. sand Acres or more Surveys lying on New River commonly calld Wood's River, and the Waters thereof.

16. To William Winston junr and others Fifty Thousand Acres begining at Old Fort between Ohio and Mississippi Rivers, runing up the Western side of Ohio and Eastern side of Mississippi, in one or more surveys between the said Rivers.

To John Tayloe and others Leave is given to renew their Grant for One Hundred Thousand Acres in Augusta on three branches of the Mississippi River, the one known by the name of Woods River, the other two to the Westward thereof and on the Waters of the said River, and two years longer time allowd them to compleat their Surveys.

1750
June 15th 17. To John Tricoe, and John Griffin of Bristol Merchants, and others, One Hundred Thousand Acres on the New River, and Holsons River, and the Waters of both Rivers.

[p. 1145 p. a.]

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B.S/1333

18. To Adam Harman and others Seven Thousand Acres lying in Augusta on both Sides of Blew Stone breek. begining about three miles from where the said breek runs into Woods River, at a markid tree standing upon the N.° Side thereof. thence up the same including the several branches on both sides to compleat the Compliment.

To the same Four Thousand Acres in Augusta on the breek next below Blew Stone breek begin. ning upon the head of the said breek, and runing down including the several branches for Complement

To the same Four Thousand Acres in Augusta on the Second breek below Blew Stone breek, be. ginning at the head thereof, thence down the same including the seviral branches for Com: plement.

1751
Octo.r 26th 19. To Samuel Davies of Bristol Merchant and others Fifty Thousand Acres on Alegany River, and Holson River, or any of the Waters of both Rivers and four large Islands in the said Rivers, and sev. eral other small Islands lying in different parts of the said Holson and Alegany Rivers

20. To George Walton and Joseph Walton Twenty Thousand Acres on both sides of Holsons River begining at Lyons upper Babbin thence up and down in Augusta.

To Marquis Calmes and others Leave is granted to renew an Order of Council granted April 22d 1747 to Hr Mr Machon and others for Sixty Thousand Acres.

To John Blair Esq and Company Leave is granted to renew an Order of Council granted Novr 4th 1745, for One Hundred Thousand Acres lying to the West-ward of the line of Lord Fairfax on the Waters of Potowmack & Youyougane

1752 March 3d 21. To Thomas Lewis Ten Thousand Acres in Augusta be-gining below the mouth of the New River on Allegany thence down the said River for Complement.

22. To Ambrose Powell Ten Thousand Acres in Augusta begining on Allegany above the mouth of New River to continue up the said River for quantity.

23. To James Maury Ten Thousand Acres in Augusta to begin on Allegany on the North Side of the di-viding line between Carolina and Virginia and to continue up the River for Complement.

24 To Thomas Merriweather Ten Thousand Acres in Au-gusta begining above Maury's Ten Thousand Acres on the said River and to continue up the River for Complement.

25 To Thomas Walker Ten Thousand Acres in Augusta be-gining at the Mouth of Pickawalenian River con-tinuing down Alegany for Complement.

26 To Nicholas Merriweather Ten Thousand Acres in Augusta

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begining at the Mouth of Pickawalenian River continuing up the said River for quantity.

[1752]
May 4th. 27 To Matthew Talbot and others Twenty Thousand Acres in Augusta on the New River begining at the mouth of the Meadow Creek and runing up and down the said New River the Meadow Creek and the adjacent Creeks for Complement.

To the same Twenty Thousand Acres in Augusta on New River begining at the mouth of Little River which heads against the branches of the Adkin River, and runing up and down the said New River and Little River and the adjacent Creeks.

28. To Joseph Ironmonger and others One Hundred Thou-sand Acres in Augusta on Ogahicky River and its branches begining [p. 150] p. 6 / at a tree markid B. B. and runing up and down the said River and its branches for complement.

Novemr. 2. 29. To the Revd. George Samuel Klug and others Thirty Thousand Acres lying between Green Briars to the South and Youghyoughganie to the North, bear-ing the name of Nannangelie upon a River called Goose River, begining at a Run known by the name of Muddy Run up the River upon a white Walnut tree markid M. T.

1753
June 13th. 30. To John Willis and others One Hundred Thousand Acres in the Counties of Hallifax and Augusta

begining at John Twitty's, and Major William Macklin's lines at the supposed head of the South fork of Roanoke runing from thence to a River known by the name of Dan River thence to the head of New River supposed to be the Waters of Mississippi River.

1753
June 15th 31. To Richard Corbin and others Fifty Thousand Acres on the Waters of Mississippi begining at the Mouth of Fishing Creek.

To the same One Hundred Thousand Acres on the Waters of Mississippi begining at the mouth of the New River otherwise the Big Conaughway.

To the same Forty Thousand Acres on the waters of Mississippi begining at the mouth of Buffalo Creek on the South Side thereof.

Novemr. 9th 32. To Samuel Eckerlain and others Five Thousand Acres part of the vacant land lying between Lord Fairfax's line, and the line of John Blair Esq and company, and that of the Ohio Company.

Novemr. 26th 33. To John Wayles and others Sixty Four Thousand Acres on the Waters of the New River in Augusta begin. -ing/ below the mouth of Bear Skin fork being a South fork of New River at a tree markd IW.

[P. R. O. N. Y.]

1754
May 7th 34. To Richard Corbin and others Twenty Thousand Acres on the Waters of the Mississippi beginning at the mouth of Lalot's Creek.

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To the same Fifty Thousand Acres on the Waters of the Mississippi begining at the mouth of the Little Cananghway.

A List of the names of all the Grantees in the above-mention'd Orders.

1. John Robinson senr. Esq. Thomas Nelson junr. Esq. John Robinson junr. Esq. William Beverley. Robert Lewis, Beverley Robinson. Henry Weatherbourne. John Lewis. John Cragg. William Lewis. John Wilson and Charles Lewis.

2. James Patton, Robert Slaughter. John Grame. John Belfield. John Taylor junr., William Green. Richard Barnes. James Gordon. James Wood. George Buchanan. George Robin.-son. James Bowey. Robert Jackson. William Parkes. John Preston. Robert Galchrist. Richard Winslow. John Roberts. John Weatheral, and James. Johnston.

3. Henry Downs. John Blair junr. John Willis. George Taylor. Edward Spencer. Robert Slaughter. Thomas Slaughter. William Jackson. Alexander Dunlap. James Ewin. and Edward Fuller.

4. John Blair Esq. William Russell. Thomas Lewis. Robert Green. Adam Dickenson. John Blair junr. Thomas Hornsby. William Buck. Edward Fuller. William Graves. William Green. Robert Green junr. John Fenlyson. Samuel Ball. Thomas Gordon. Andrew Lewis. John Dickenson. and John Anderson. [1752] 1.8

5. Thomas Basset, Nathaniel Basset, Thomas Basset junr. Tho-
-mas Tinsley, Cornelius Tinsley, Peter, John, & Thomas
Elmore.

6. William Mc. Machon, John Mc. Machon, Richard Mc. Machon,
Lewis Neal, John Neal, Mark Calmees, William Butler,
William Neal, William Glover, Hugh Parrett, Patrick Rice,
Robert Calvert, Isaiah Calvert, Leward Parrett, George
Waller, George Harding, Henry Harding, Leonard Holmes,
John Bruce, and James Carter.

7. William Gray, Ashford Hughes, David Holt, Valentine Wood,
and Charles Fleming.

8. The Revd William Dawson, Joshua Fry, William Cabell, and
John Anthony.

9. William Gray, Ashford Hughes, David Holt, Valentine Wood,
and Charles Fleming.

10. William Gray, Ashford Hughes, David Holt, Valentine Wood,
and Charles Fleming.

11. William Gray, and as before.

12. John Hanbury of London Merchant, Thomas Lee Esq Thomas
Nelson Esq Colonel Cressup, Colonel William Thornton,
Daniel Cressup, John Carlisle, Laurence Washington, Au-
-gustus Washington, George Fairfax, Jacob Gyles, Nathan-
-iel Chapman, and James Woodrop Esqrs

13. Bernard Moore, Benjamin Hubbard, Philip Aylett, Thomas
Daniel, John Smelson, George Carrington, James Power,
Duncan Graham, William Taylor, and Jos. Thomas.

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14. John Lewis Esq. Thomas Walker, John Meriweather, Charles Lewis, James Power, Peter Jefferson, Charles Dick, Charles Barret, Joshua Fry, Thomas Turpin, John Harvey [1.153] Thomas Meriweather, Thomas Meriweather junr. John Baylor, Samuel Waddy, Robert Barret, Henry Willis, Peachy Gilmer, John Lewis, James Maury, Thomas Lewis, Peter Hedgman, John Moore, Robert Martin, Henry Yate, Richard Jones, William Wood, Samuel Dalton, Francis Thornton, Francis Thornton junr. John Thornton, John Pierce, William Stevenson, Nicholas Lewis, Nicholas Meriweather, William Hudson, Francis Meriweather, Humphry Still, and John Dixon.

15. Peyton Randolph, Alexander M^c^kenzie, Robert Tucker, John Tucker, George Gilmer, Benjamin Waller, William Parks, Armistead Burwell, Edmund Pendleton, John Willoughby, John Maddison, John Shelton, John Garland, Thomas Williamson, Maximilian Calvert, Cornelius Calvert, Paul Loyall, and George Logan.

16. William Winston junr. Isaac Winston junr., Peter Fontaine junr., Edmond Winston and Samuel Red.

17. John Hiscox, and John Griffin of Bristol Merchants, Benjamin Watkins, George Nicholas, Nicholas Davies, Samuel Gist, John Buchanan, Adam Harmond, William Thompson junr. and Jacob Harmond junr.

18. Adam Harman, Jacob Harman, Valentine Harman, and Valentine Sevier.

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19. Samuel Davies of Bristol Merchant, Francis Davies, Nicho-
las Davies, Peter Whiting, and Matthew Whiting.

20. George Walton and Joseph Walton.

21. Thomas Lewis.

22. Ambrose Powell.

23. James Maury.

24. Thomas Merriweather.

25. Thomas Walker.

26. Nicholas Merriweather.

[f. 15v] f. 10 27. Matthew Talbot, Richard Vaughan, John Hillmot, and David Bell.

28. Joseph Ironmonger, Joseph Keaton, James Terry, and David Bell.

29. The Revd George Samuel Klug, Michael Thomas, Nicholas Knot, Jacob Burner, Henry Bochman, Abraham Mayer, Stephen Suel, Abraham Brown, Adam Wayland, Adam Broil, Adam Barler, Henry Ailer, Matthew Smith, Nicho-
las Smith, Michael Russel, John Ralehbach, John Barler, and Paul Ledderer.

30. John Willis, John Macklin, William Macklin junr, Henry Morris, William Twitty, Charles Lucas, Francis Willis, James Macklin, John Smith, and Robt Throgmorton

31. Richard Corbin, Philip Ludwell, Charles Carter, Nathaniel Harrison, Benjamin Robinson, Carter Burwell, Robert Bur-
well, Peyton Randolph, John Randolph, Charles Carter junr, Joseph Robinson, Benj: Robinson junr, Charles

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Robinson, Mann Page, John Page, John Thornton, James Butler, Thomas Berry. Wm. Fitzhugh, John Fitzhugh. Francis Thornton. John Champe, William Fitzhugh junr. Richard Smith, & Benjamin Grymes Esqr.

32. Samuel Eckerlain, Israel Eckerlain, & Gabriel Eckerlain.

33. John Wayles, Benjamin Harris. Matthew Talbott. Carey Haslett Hopper. John Hylton, Timothy Dalton, Augus-tine Clairborne and Alexander Mackie.

34. Richard Corbin, Philip Ludwell, Charles Carter, and all the same as above in No. 31.

[p. 155 p. 11]

/Petitions which have been presented and the Con-sideration of them postponed.

1749
Octor. 20th. Thomas Lee Esq. and eleven others for Two Hun-dred Thousand Acres, to be laid off from the branch called Kiskomanettos, and Buffalo Creek on the South side of the River Aligany and between the two Creeks and the Yellow Creek on the north side and on the main River of Aligany alias Ohio.

1752
Novemr. 4th. John Mercer for himself and thirteen Partners for One Hundred and Forty Thousand Acres bounded on the Ohio Company's lands when their quantity is laid off.

Novemr. 6th. Andrew Montour, Christopher Gist, Michael Cressap, and Thomas Cressap junr. for Eighty Thousand

Acres on the Ohio River and the Waters thereof, not to interfere with the Grants already made to the Ohio Company.

[1752.] Novemr. 6d.] William Trent, and nine others for Two Hundred Thou. -sand Acres on the Ohio River and the Waters there. -of not to interfere with the Grants already made to the Ohio Company, and begining at the said lands

Do. Lunsford Lomax, and nine others for Two Hundred Thou. -sand Acres on the Ohio River and the Waters there. -of begining at the Ohio Company's grant or en. -tries, not to interfere with the same.

1754 May 7 Philip Ludwell and twenty four others for Three Hun. -dred Thousand Acres on the Waters of Missisippi begining at the mouth of Elk Eye Creek.

1765 June 1st Thomas Nelson Esq and twenty five more for twenty Six thousand Acres lying on the mouth of Cheat River, and extending down the Waters thereof on both sides, after the confluence of the said River with a large branch runing from the South West or thereabouts, and reaching towards the Survey made by Mr. Andrew Lewis and Company.

[P. 156.] P. 12 1764 /Jan.y 21st William Byrd Esq in consequence of his Majesty's Procla. -mation dated the 7th of Octo.r 1763, and publish'd in the Virginia Gazette in Jan.y 1764, applied as Colonel of the late Virginia Regiment for Five Thousand Acres lying upon the New River in Augusta on both

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sides thereof, including the tract known by the name of the Lead-mines.

Decem^{r}. 19th. 1768 The Governor was pleasd to communicate to the Board a letter from Col. Byrd dated Decem^{r}. 5th. in behalf of the Virginia Officers who servd under him in the last War, recommending their Claims to Lands lately purchasd of the Six Nations, agreeably to their respective rank in consequence of his Majesty's Proclamation.

Petitions lodged in the Council Office which have not been presented.

George Washington, Adam Stephen, and Andrew Lewis Esq^{r}. in behalf of themselves, and the rest of the surviving Officers and Soldiers, who enlisted in the Service in 1754, for Two Hundred Thousand Acres on the River Ohio, or near it, in consequence of Gov^{r} Dinwiddie's Proclamation the 9th of Feb^{y} 1754.

Thomas Nelson Esq and twenty seven others for One Hundred Thousand Acres lying on both Sides of the New River, or Great Kunhawa at and near the Falls, & between the said Falls and the mouth of the said River, and at and about the mouth thereof, including an old Indian Town on the Ohio near the last mentiond Place.

The same, in case they should fail of Success in their

C.O. 5/1337

first Petition, for One Hundred Thousand Acres on the Ohio begining at the mouth of Sandy River, alias Sandy Creek, and from thence down the said River Ohio, and up the said Sandy River.

The same for Fifty Thousand Acres lying on the [p.157 p.158] Eastern / Side of the Ohio begining on the River side precisely Twenty miles below the mouth of New River, thence down the Ohio to the mouth of Arbuckle's River thence up the same includ. -ing the land on both sides of the latter River.

1768 Decemr. 23d. John Fielder, and fifty nine others for Sixty thou. -sand Acres at the Falls of the Ohio.

James Pendleton, and nine others for Ten Thousand Acres above the mouth of Guyandott the Lesser.

John Thompson, and forty nine others, for Fifty Thousand Acres below the mouth of Pidgeon River.

Edmund Rogers and nine others for Ten Thousand Acres below the mouth of Little Guyandott.

Robert Cobbs, and thirty nine others for Forty thousand Acres below the Mouth of Milly's River.

Philip Pendleton and thirty nine others for Forty Thou. -sand Acres on the upper side of Milly's River at its Confluence with the Ohio.

William Lewis and nine others for Ten Thousand Acres above the mouth of Great Guyandott.

John Lewis, and fourteen others for Fifteen Thousand

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Acres below the mouth of Great Guyandott.

George Rogers, and forty four others for Forty Five Thousand Acres below the mouth of Little Kanhawa

George Gibson, and sixty seven others for sixty eight Thousand Acres above the mouth of Cumber. land River.

Matthew Maury, and fifty one others. for Fifty Two Thousand Acres above the mouth of Pidgeon River

1769
Janr. 15th William Fleming, and thirty four others for Thirty Five Thousand Acres on the lower side of Saltlick Creek.

Febr. 3. James Taylor and nineteen others for Twenty Thou. sand Acres to begin at the mouth of Great Saltlick River.

Edmund Pendleton and nineteen others for Twenty Thousand Acres on Cumberland River, Rockey Creek, and Clover Creek.

[p. 155 p. 14]
/John Armistead and nineteen others for Twenty Thou. sand Acres on the South Side of the River Ohio opposite the River Wabashe.

Walker Taliaferro and nineteen others for Twenty Thousand Acres to begin at the mouth of Cumberland River.

March 21st William Williams, and one Hundred and Fifty six others, for One Hundred and Fifty Seven Thou. sand Acres to begin at the Mouth of Totteroy

River, and to run from thence up and down the River Ohio on the South Side and up the said Tolteroy River on both sides thereof.

John Field, and forty nine others for Sixty Thou-sand Acres at or near the great Falls of the River Ohio.

William Green and forty nine others for Fifty Thou-sand Acres below the mouth of the Tanassee, or Cherokee, River, near the Carolina Line.

French Strother and forty nine others for Sixty Thou-sand Acres opposite the mouth of the Wabash River.

Benjamin Roberts, and fifty nine others, for Sixty Thousand Acres above the mouth of the Wabash River.

William Roberts and forty nine others for Sixty Thou-sand Acres below the mouth of the Wabash River.

John Green and forty nine others, for Sixty Thousand Acres begining at or near the Tanassee River.

1769
June 17th. John Lewis and thirteen others for Fifty one Thousand Acres on Cumberland below its Confluence with the Ohio.

Joseph Harper and thirty nine others, for Forty Thousand Acres at a Sycamore tree marked TW between Cave Gap and Powel's River.

Joseph Bell, and thirty nine others, for Forty Thousand Acres at the mouth of Buck Creek a branch of Cum-berland River.

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1769
June 17th Thomas Lolkings, and thirty nine others for Forty Thousand Acres to begin two miles North of the Place call'd the Big Bone. [p. 159] p. 15

James Meriweather and thirty nine others for Forty Thousand Acres one mile below the mouth of Dicks River.

William Douglas Meriwether, and forty one others, for Forty Two Thousand Acres to begin at the mouth of Dicks River.

James Taylor, and fifty nine others, for Sixty Thousand Acres begining at a beech on Milly's River markd T Walker.

Charles Talbot, and Seventy nine others for Eighty Thousand Acres to begin at the Mouth of Hunting creek where it empties into Milly's River.

July 11th John Syme and nine others for Ten Thousand Acres on the Waters of Monongahela River at a certain Place called Tyger's Valley

N: Walthoe Cl Con.

[See another account in Vol 1348 p 337]

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[p.161]

To the Rt. Honble the Earl of Hilsborough and the rest of the Lords Commissioners for Trade and Plantations. —

The Humble Memorial of Edward Bell Sheweth

That Your Lordships most Dutifull Memorialist is desirous of Tryng his Fortune a Broad as a Settler on some of the back Lands in His Majestys Dominion of Virginia. And Whereas it has been usual to Grant Lands in Virginia upon a Fine of $\frac{1}{5}$ the Thousand Acres called Composition Money to Subjects who have not Dis. .tinguished themselves by Any Service Rendered their Country Your Lordships Memorialist Humbly Prays and beseeches Your Lordships Favour of a Grant of 50.000 Acres of Waste Land upon the usual Terms and Con. .ditions only Free of the said Composition Money the said Lands to be Situate Among the Back Lands in His Majestys said Dominion of Virginea with Your Lordships leave to Lay the said Lands out in difrent Tracts Not less than 10.000 Acres in each Tract And Your Lordships Most Dutyfull Memorialist as in Duty bound will ever be watchfull to serve his Country and Testify his Gratitude to your Lordships &c.

Endorsed

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[p.62]

Endorsed Virginia.| To the Rt Honble the| Earl of Hills-
borough| and the Rest of the| Lord Commissioners for|
Trade And Plantations| 16 Novr 1770.| Memorial of Edwd Bell.|
praying for a Grant of| eighty thousand Acres of| Land
in the back part of| Virginia, free from the| payment
of His Majesty's| Right of five shillings for| every fifty
acres-| Recd / Read Novr 21.] 1770.| B. b. 9.

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[1.47]

To the Rt Hon.ble the Earl of Hillsborough and the rest of the Lords Comm.rs for Trade and Plantations

The Humble Memorial of Edward Bell Sheweth. —

That Whereas your Lordships most Duty.-full Memorialist Humbly Conceives that your Lordships could Not Judge of his Case by the Narrative Humbly offered to Your Lordships Consideration on Wednesday last and being Hon.d with Your Lordships indul.-gence to Expatiate further on his Case he is Again Emboldened to Approach Your Lordships.

That Your Lordships Memorialist was in the late War, in a place of Trust, that of Store-keeper at Bremen, in which he Con.-tinued untill the Stores under his Care, were Sold by order of Government. —

Saved 50 p.ct 60 p.ct 32 p.ct from 8 to 10 p.c. .....

That he did Detect a Fraud of 50 p.c. in the Issue of that considerable Article of His Majesty Magazines, He reduced the Price of Carriage 60 p.c. The price of Labour 32 p. C.t and Saved by the Exchange of the Money from 8 to 10 p C.t —

Served the Army...

That by his Extraordinary care and

Assiduity he did serve and Supply this Majestys Army when in Great want and No other person was found to do it wch Appears by the following Certificates. —

Might have mad great advantage to himself

That having preferred the Public Good to Any Private Gain or Interest to himself and having a Large Family stands in Need of some Provision. —

Clerks and Offi: cers had Rewards

That at the Close of the Office for Settle. -ing the German Demands the Clerks and Officers Employd in that Office had Rewards for their Service from 100£ to 3000 £ each —

Your Lordships Memorialist hopes he remain an Object of Reward

That Your Lordships Memorialist not having received Any such Reward hopes he remains a proper Object of the like Bounty or of Your Lordships Protection in some Degree.

Recommended by Genl Conway

That the Rt Honble Genl Conway did him the Hont to Approve his Conduct and to Recom. -mend him to Lord Rockingham who thought proper to place him in An Old House belong. -ing to His Majesty in Hyde Park with some Temporary Assistance wch being thought An in. -adequate Compensation and only for a then Present Subsistance it was Signifyed that some. -thing better should be done for him as soon As opportunity wd Admit

Lord Rockingham promised further

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Has not been served According to promises and Intention

That Lord Rockingham going out of the Ministry Your Lordships Memorialist has not Yet had any thing further done for him Nor Doth not Enjoy Any place or Benefit under the Government Except the said old House wch has been Supported And Kept up at his Own Expence and many Laborous Improvments have been made by him in the Premiss' _

Has laid him self under many Obliga.tions he Cant Dis.charge but thro. your Lordships Good.ness to Reward

That the Justness of his Claim En.couraged many to Advance him Divers Con.siderable Sums of Money to Support him And his Family, Not Doubting but he would Succeed and be soon Able to Reemburse them, but Alass! Through his Ill Success many of them becom Distressed for want of what they Assisted him with. Nothing surely can Affect An honest Mind like this

That upwards of 12 Months Ago One Mr. Thomas Cresap, One of the Ohio Company came from Maryland to England About a Grant of Lands. And having been some how informed of the Little Service Your Lordships Memorialist had been Able to do his Country, Immagined he might be fa.voured with a Grant of some wast Land

in the Back part of Virginia. And Accordingly got A person to Write to him intreating An interview when the said Cresap marked out some Lands wch he said Subjects that had Never rendered Any Ser.-vice to their Country might Purchas. for 5 £ the 1000 Acres called Composition Money and therefore he did Not Doubt but Your Lordships Memorial.-ist might obtain a Grant of 100 000 Acres or more wch he said was but a small Tract compared to many others And therefore Advised him to pre.-fer a Memorial for that purpose and that upon the Success or Completion of such Grant he would give Your Lordships Memorialist the said Compo.-sition Money, or otherwise he would Divide the

[P.168] said Lands and in Liew of having the One half of the/said Land he would be at the Ex.-pence of Surveying Settling Stocking And Seed.-ing the whole and would Advance Money to Support Your Lordships Memorialist and his Family During the Application for the Land, and that he would Enter into Articles for the performance of what he had promised And Accordingly Articles were Drawn and Entered into, and a Memorial was prefered (praying a Grant of 120000 Acres of Land on the Ohio) and was Offered to a Great and Good Personage And received his Approbation and

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orders to be prefered to the King in Councill,
And had his Majesty Royal Assent. passed
a Committee of the Lords of the Council, and
was by them refered to Your Lordships when
upon it was Judged safe to Support Your
Lordships Memorialist in his Application for
the said Land And Divers sums of Money
have been Advanced for that Purpose, but
on Your Lordships Disapprobation of the
said Memorial the said Tho: Cresap has
unkindly And Cruelly Distressed Your Lord-
-ships Memorialist and Brought An Execu-
-tion agt him for 89 £ wt with other Mat-
-ters has and will Not only Divest him
of every Necessary of Life but of his Liberty
Also. Except Your Lordships Humanity shall
Condescend to take Compassion on him in
so Tricking Cruel and unkind A Case

Many Sums of Money have been Advanced for wch Your Lord-ships Memorialist is Distressed.

Must be utterly ruine without Your Lordships protection

That Your Lordships Memorialist Hum-
-bly thinks he is entitled to some Govern-
-mental Favour and that the Easiest way
of Assisting him will be in a Grant of
some Waste Lands in America and having
Your Lordships leave to Alter his Memorial
and being Again Recommended by the Good
General Conway who is Acquainted with

Having Your Ld ships leave to alter his Memorial and re-commended by Genl Conway prays a reconsideration

the Justness of his Claim he is again En.
-couraged to Renew his Application_

That Your Lordships Memorialist being unkindly Drawn into the said Agreement and Distressed thereby Induces him to wish for your Lordships Indulgence of a Grant of Land Situ.
-ate among the Back Land in Virginia or some part of the Forfeited Lands that were Granted to the said Ohio Company wch would immediat.
-ly Release him from the Difficulties he la.
-bours under, but least Your Lordships should reject the Situation or Quantity of Land he should wish for or Judge himself intitled to he Humbly Craves leave to throw him.
-self upon Your Lordships Humanity beging Your Lord Lordships Directions both respect.
-ing the Situation and Quarters Your Lord.
-ships shall think fit to favour him with hoping Your Lordships will Over Look the said 5 £ the 1000 Acres, And permit him to Leave Blanks for the Situation and Quantity and only to intreat Your Lordships Favour of a Grant of ..... Acres of Wast Land upon the usual Terms and Condition only Free of the said Composition the said Land to be Situate

Your Lordships Favour will set him Clear of the Trouble he's involv.
-ed in

Prays to be Clear of the Composition Money - and to leave himself to Your Lordships Hu.
-manity_

(sic)

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with Your Lordships Leave to lay the said Land out in Difrent tracts not less than (200) Acres in each Tract and Your Lordships most Duty full Memorialist as in Duty Bound will ever Pray -

[1 Aug.]

Copy of Certificate

These are to Certify that Mr. Edward Bell was Ap-pointed Magazine Keeper at Bremen by Thomas Townall Esq. Director General of Controll at the recommendation of Danl. Weir Esq. one of his Majestys Principal Commis-saries. in wch. Capacity he did Particularly Distinguish himself by his Assiduity in Serving and Supplying the Army According to the Orders and Directions given him for that Purpose and in every Service the Na-ture of his Office would Admit of untill the Maga-zines were Sold &c.

Danl. Weir

Copy of a Letter and Certificate

Mr. Bell Sir/

I rec.d Yours of the 12 Current Yesterday, With the Extract of a Letter to Mr. Weir Dated 24 June 1763 the Contents of wch. I well remember. I most Will-ingly Grant You the Certificate Required and wish it may give Any Satisfaction to General Conway and be

of Service to You as I think your Conduct in that Affair merits Encouragement and am Wishing You Success

Sir

Your most Obed.t Hble Servt

Ob: Bourne

Copy of Certificate

These are to Certify that Mr. Edward Bell late Maga.-zine keeper at Bremen did lay and prove before me the Fraud of 50 p.ct in the Issue of the Magazines to.-gether with the Several saving in the Carriage Wages Exchange of the Money and other Expences Expressed in his Letter to Mr. Weir bearing Date 24 June 1763

Ob: Bourne Major in the Army

And Captain the _____

Kings or 8 Regm.t

[p.170]

Endorsed Virginia./ Memorial of Mr. Edward/ Bell to the Board,/ praying for their/ Lordships recommendation/ of him for a grant of/ Land on the back of Virginia/ B.b. 11./ Rec.d Dec.r 5. / Read Do. 12. } 1770.

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London March 5th 1771.

Observations and Answers, humbly submitted To the Right Honorable the Lords Commissioners of Trade and Plantations, by Mr. Walpole and his Associates, On the Extract of the Letter from Mr. Nelson, President of the Council of Virginia, - To the Earl of Hillsborough; dated the 18th of Oc. -tober 1770.

3d 4th 6th } On the third fourth and sixth paragraphs, we shall only observe, my Lords, That it is evident from the following Clause in our Memorial to the King in Council, To wit - "reserving <u>therein</u> to <u>all</u> "Persons their just and legal Rights to any Parts "or parcels of Land, which may be comprehended "within the Tract prayed for" -. That We neither wished nor intended to deprive any of the King's Subjects of any Lands contained within our Boun. -dary, which they held, under just or legal Rights; And Therefore We beg Leave to inform your Lord. -ships, That Colonel Mercer, Agent for the Ohio Com. -pany, has by a written Agreement, <u>relinquished</u> <u>all claim</u> from Government, for any Lands in their behalf; as We have admitted the Ohio Company, into our Company; - That We have also <u>agreed</u> with Colonel Mercer, Agent for the late Officers in the

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Service of the Colony of Virginia, That They and their Heirs or other legal Representatives, shall have and enjoy, the 200,000 Acres, on the Terms mentioned and promised to them, by Governour Dinwiddie's Pro. -clamation of the 19th of February 1754; - And as to the Grants to the Traders of Pennsylvania, and to [p.946] Colonel / Croghan, We beg Leave to say, - That Major William Trent. Attorney for the Indian Traders, and Mr. Wharton and Mr. Trent, Attorneys for Colonel Crog. -han, have been promised and assured, to their en. -tire Satisfaction (And the same is entred on the Minutes of our Company) That in case, of our ob. -taining a Grant for the Lands, We have agreed for with the Lords of the Treasury, - They shall have con. -veyed to Them, Their several and respective Tracts of Land, comprehended within our Boundarys.

5th That his late Majesty, did offer large Quantitys of Land to the Officers and Soldiers, who should enter into his Service On the Continent of North America, will not be disputed; — But your Lordships doubtless remember, That the Proclamation, was solely intended (as it has always been construed here) for the regular and not, for the Provincial Troops; - No Lands having been grant. -ed to any of the Regiments, raised by the American Provinces, except to those of Virginia, in Consequence of Governor Dinwiddie's Proclamation. If the Regiment of

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Virginia, have under the Kings Proclamation a just Claim for this additional Quantity of 200,000 Acres -; Surely the Regiments of Pennsylvania - The Jerseys -, New York. Con. .necticut &c (who have never had an Acre given to them) have at least, an equal Right with the Virginians, to some of the Kings Lands; and which if granted my Lords, would nearly consume all the Lands, That his Majesty has lately purchased of the Six Nations.

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/As the seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth Paragraphs - contain, a Number of Ob. .servations, principaly on the same Subject. We shall therefore, for the Sake of Brevity, beg Leave to make a few general Remarks on them. In the Paper here. .to annexed, marked N°. 1 -, We took the Liberty of stat. .ing to the Earl of Hillsborough, in July last, the shame. .ful Manner, in which above two. Millions of Acres of the Kings Lands in Virginia, had been granted to some of the Council, and a few other persons of that Colony; - And it is now, my Lords, with pleasure We observe, That the President is so candid as to acknow. .ledge, "He does not find, That any Steps have been "taken towards surveying and seating them, of Course" He justly says, "They are or will become lapsed, except "in the two, to John Lewis and Others, for eight hun. ".dred thousand Acres. And to James Patten and Others, "for One Hundred Thousand Acres". And it also appears,

My Lords, by the Journals of the House of Burgesses of Virginia, an Extract of which, is hereto subjoined marked N° 2, that sundry Inhabitants of the County of Augusta, represented to The House, on the 24th of November 1766, "That the Terms of the large Grants in "Virginia" had never been complied with, to the great "prejudice of his Majesty, as well as his Subjects" and "therefore, they humbly prayed, "That those Grants not "yet complied with, might be declared void and of no "Effect". The Pretensions of John Lewis Esqr of the Council, and his few Partners, for these 800,000 Acres, We humbly apprehend, my Lords, do not merit the [1.266] least Encouragement from Government; As the Terms of their Order of Council are too injurious, in our Opinion, to the King's Interest, to admit of the least Apology for them; — But as the Order will best speak for itself. We here beg Leave to introduce it. —

At a Council held July 12th 1749. "On the Petition of "John Lewis Esqr, Thomas Walker, John Merriwether, and "thirty six Others Leave is given them, to take up and "survey 800,000 Acres of Land, in one or more Surveys, be-"ginning on the Bounds, between this Colony and North "Carolina and running to the Westward and to the North, "so as to include the said Quantity" — By the great Lati-tude of this Order, it is clear, my Lords, That Mr Lewis and his Partners, might locate their 800,000 Acres, in -

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fifty Thousand or more different places, between Fort Pitt "and the Bounds, between Virginia & North Carolina". And the Council of Virginia, your Lordships will find, were so convinced of the illegality of this very extra-ordinary Order, "That they rejected the Petition of the "loyal Company (meaning Mr Lewis and his Associates) "for a Renewal of their Grant of 800,000 Acres, as being "contrary to the royal Instructions, respecting the Quantity "to be granted to any one Person". Vide the Certificate of Mr Blair Clerk of the Council of Virginia, being Paper Nº 2, received from the President. The Council of Virginia, having thus, my Lords determined the Unfair-ness and Illegality of this unprecedented Order of Coun-cil, It therefore becomes wholy unnecessary for Us, To take up any more of your Lordships Time upon it, But as to those "People or Familys" who bona fide, settled before the Year 1763, on any of the Lands included / within our Boundary, and "who bore" as the [p 369]
- president says, "The Heat of the Day"—, It is we assure your Lordships, quite foreign from our Wish or Desire, That they should be deprived of any of the Settle-ments or plantations, which they did so bona fide make, before the Year 1763; And in Order Therefore, my Lords, that the strictest Justice may be done to all these Settlers, We do humbly propose to your Lordships, That We will either, execute such Agreement, as your

Lordships shall judge sufficient, to assure and con-
-vey to such Settlers, in fee Simple, the plantations
or Tracts of Land, that they actualy had so settled
or improved, before the Year 1763, and on the same,
and no higher Terms, than if they were now to ob-
-tain Patents for them from the Colony of Virginia;—
Or, We will chearfully agree, my Lords, that a specifick
Clause to that Effect, be inserted in the strongest and
most obligatory Words — In the Grant from the King
to Us. This, with Submission my Lords, We conceive,
is all, that can be reasonably asked of Us, — in
Respect to "the People or Familys", mentioned by the
President in the 8th and 9th Paragraphs. With Regard
to what the President says, in another part of the
8th Paragraph, Vidz: That "I ought here to observe,
"that the Assembly of Virginia, have given £2500 Sterl.
"-ing for the purchase of those Lands" (meaning of
the Cherokees) — And likewise, As to the following In-
-telligence of Colonel Washington, in his Letter of Oc-
-tober the 5th 1770, — to the late Lord Bottetourt, That the
Bounds of our Grant, if obtained, will comprehend
"at least four fifths of the Land, for which this Colony
[1770] has lately voted £2500 Sterling for/the Purchase and
"Survey of": — We would only observe to your Lordships,
that about the Middle of May last, the Earl of Hills-
-borough was so obliging, as to inform Mr. Walpole,

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that the House of Burgesses of Virginia, had presented a Memorial to Lord Bottetourt, respecting the purchase of some Lands from the Cherokees; – A part of which Lands, his Lordship said, seemed to be, within the Limits, which Mr. Walpole and his Associates had a-greed for with the Lords of the Treasury; and his Lordship was also so kind as to order a Copy of that part of the Memorial, to be delivered to Him. On the 28th of May 1770 Mr. Walpole wrote to Mr. Secre-tary Pownal, and stated his Reasons at large, why the proposal from Virginia, ought not to affect the Application. He was concerned in with other Gentle-men, for the Grant of a Tract of Land on the River Ohio, – In Consequence of our Agreement with the Treasury; and among other Reasons, justly assign-ed by Mr. Walpole in that Letter (a Copy of which Letter is hereto annexed marked N°. 3) are the follow-ing. "I should still hope, we are entitled to a "preference from the much earlier Date of our Appli-"cation, to that made by Virginia, which is only since "the Month of December 1769 And cannot have reached "England before the latter End of January last, at "soonest. Whereas our first Application to his Majes-"ty in Council, was referred to the Board of Trade "on the 15th of November 1769; And altho' the Memorial "of Virginia, alludes to some preceeding Transaction

"of the same Nature, yet as that plan, whatever it
"may have been, is not adopted by the said Me-
"morial. It does not appear, that Government is at
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/present under any kind of Engagement with the
"Virginians, prejudical to the Treaty I am concerned
"in, and I the rather flatter Myself in this Respect,
"from the Encouragement the Treaty has met with. In
"its Progress, particularly from Lord Hillsborough's kind
"Recommendation to the Board of Treasury, where We
"agreed, on the 6th of April last for the price to be
"paid for the Lands. And are now before his Majesty
"in Council, praying a Grant of them". And here
my Lords, It may not be improper for Us to in-
-form your Lordships, That Mr. Lewis, Mr. Walker and
their Associates (the Gentlemen who had obtained
the before mentioned Order of Council, for 800,000
Acres of Land) prevailed on the late Lord Bottetourt,
to represent to the King, the propriety of permitting
a new Boundary to be settled with the Cherokees,
different from the One, which Mr. Stuart, The King's
Agent for the Southward Department of North Ameri-
-ca, had by Authority from hence, fixed with Them;
And what is still more extraordinary, my Lords, is,
that Mr. Lewis and Mr. Walker were appointed by the
Governor of Virginia, Commissioners to wait on Mr.
Stuart and excite Him, if possible, to agree to an

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Alteration of the Boundary Line. As is obvious, my Lords, from their Letter to Mr. Stuart dated the 2d. of Feb. -ruary 1769:— A Copy of which Letter, We apprehend, was transmitted by Mr. Stuart, to the Plantation Office. The House of Burgesses of Virginia, We un. -derstand, my Lords, voted, the latter End of the Year 1769, the Sum of £2500 sterling to be <u>laid out</u> in a <u>Purchase</u> from the <u>Cherokees</u>, (and for <u>surveying</u>) of <u>all</u> the Country from the <u>Western</u> Termination of the <u>North Carolina Line</u> to the River Ohio &c; As is mentioned in their / Memorial, [1.272] to Lord Bottetourt, of December 1769. We have never heared my Lords, whether the Virginians have had Liberty to make this Purchase; — We cannot how. -ever suffer Ourselves to suppose, that after <u>our</u> Agreiment with the Treasury. And the strong Letter written by Mr. Walpole to Mr. Secretary Pownal, as before mentioned, on the 28th of May 1770. —, That they have had such permission, and especialy, as it would include an Extent of Country (at least, eight Hundred Miles in Length on the River Ohio and an unknown Distance in Breadth) <u>always claimed</u> by the Six Nations; — repeatedly acknowledged and recognized by the Cherokees to belong to them, and positively declared to be the Right of the <u>Six</u> Na. -tions. Even by the Commissioners of Virginia in

their above Letter to Mr. Stuart, and what is more than all, actualy sold, my Lords, by the Six Nations to the King, and paid for by Him, at the Congress, at Fort Stanwix, in November 1768.— If Notwithstanding my Lords, the Colony of Virginia should have been allowed to make that purchase, to the Extent asked for by their Memorial to Lord Bottetourt, All we can say, is, That we will reimburse that Colony (Although We should Ourselves, have been perfectly satisfied with the Title from the Six Nations)— our proportionable part of the Expence of such purchase; And as to the "People or Familys" actualy settled on any part of the Lands within our Boundarys,— We have already, We hope my Lords, satisfactorily expressed our good Inclination towards Them.— As to the Information of Colonel Washington to Lord Botetourt, [p. 373] that our Grant will comprehend/ "four fifths of the "Land, which this Colony hath lately voted £2500 Sterl. "ing for the purchase and Survey of"— It surely, my Lords, deserves no Other Reply,— Than that the Colonel Himself, acknowledges "The Mouth of the Sioto River "is at least 70 or 75 Miles below the Big Kenhawa" or in other Words,— That it is no more than 70 or 75 Miles from Big Kenhawa to the Sioto;— Whereas my Lords, We are assured, It is at least from Big Kenhawa to the Latitude of the North Carolina Line,

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extended to the Ohio, (as proposed by the Memorial of Virginia to Lord Bottetourt) at least 800 Miles.— By what Rule of Proportion then, an "Extent" of 70 or 75 Miles," can be made at <u>least</u> "<u>four fifths</u>" of 800 Miles, is suffer us to say, my Lords, totaly be-yond our Comprehension;— And before We finish all our Observations on the Presidents Letter, We shall have Occasion again, my Lords, to take Notice of this Gentleman; And shew from what an <u>interested</u> Source his Communications were derived.

14th. This Paragraph, my Lords is rather delusive, as it would seem to insinuate to your Lordships, That the <u>great</u> Grantees of Virginia "had run great Haz-"ards, during the Course of the War;— That many "of them had lost their Lives and Fortunes in the "prosecution of those Settlements" and that Others had "their Wifes and Children or carried into a barbarous "Captivity": The Fact is not so, my Lords,— But only, that a Number of <u>Families</u> did settle over the Al-legheny Mountains, in Consequence of the late Kings Instructions and of other Encouragements;— And to such / Settlers, We have frankly said, and <u>now</u> re-peat it, That they shall have Releases from Us, for all the Tracts of Land, they had so settled and actualy improved on;— And on the usual Terms of the Colony of Virginia. [P.3pa]

15th The 15th Paragraph of the President's Answer, is my Lords, a very extraordinary One, and discovers a cordial, But in our Opinion, an indefensible Attachment, to the Interest of his Countrymen. The President says, that they have a Law in Virginia; "That the Breadth "of every Survey of Land, shall be at least one third "of the Length"——, admitting this, my Lords, We would just ask the President, whether this Law was advert-ed to in the following Instances, Vidz: When Mr. Counsellor Lewis and his Partners, had Liberty given to them, to take up and survey 800,000 Acres in One or more Surveys, beginning on the Bounds between this Colony and North Carolina and running to the Westward and to the North? — When Mr. Payton Randolph, the Attorney General, and his few Partners, had Leave given to them to take up and survey 400,000 Acres, in one or more Surveys, lying on Woods River & the Waters thereof and four Years Time al-lowed to survey? When Mr President Blair of the Council and his partners, had Liberty given to them, to survey 100,000 Acres lying to the Westward of the Line, of Lord Fairfax, And on the Waters of Powtomack and Youghyoughgane? — And for a vast Number of other Instances of this Sort, We beg Leave, my Lords,

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to refer your / Lordships to the Paper N.o 2, received from Virginia; — As we dare say that Paper will

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satisfactorily prove to your Lordships. That the Law, mentioned by the President, has never been attended to. In the exorbitant Orders of Council (for Land) in Virginia.

16th. With Respect to the Indulgence of 20 Years Exemp.tion from Quit Rent, as being more, the President says, That was allowed by the Laws of 1754; And with Regard to our Merit of purchasing those Lands, which the President, is pleased to say, is not con.siderable. — We shall only observe to your Lordships, — That by the King's Instructions, of August 24th 1754 —, All persons, who should settle to the Westward of the Alleghany Mountains, were free from Payment of any Quit Rents for ten Years; And there was also, by the same Instructions, a total Remission of the usual Fine, of five Shillings on each fifty Acres, or of £5 sterling pr. Thousand Acres, — of Consequence my Lords, — Our proposition of paying ten Thousand Pounds Sterling, for some of the Lands, which the late King instructed his Governor of Virginia, to give and grant, without any Consideration at all, to such Persons, as should settle thereon, has in our Apprehension, my Lords, no small Degree of Merit; And your Lordships will excuse Us for saying, that it would have been, at least, more prudent in the President, to have avoided any Stricture on this

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Occasion, and especialy, as He did not venture, in be-
-half of Virginia, to make Even the smallest Of-
-fer, for any of the Kings Lands on the Back of
that Colony; — But on the Contrary, my Lords, men-
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-tions, That "if the Money arising from the Sale of
"the Rights, was not applied to the Fund, for the
"Support of Government, and the contingent Charges
"thereof, that Fund will sustain a heavy Loss, if it
"should be withdrawn at this Time". — There is doubt-
-less, my Lords, "considerable Merit" in the Presidents'
endeavouring, (as a Virginian) to prevail on your Lord-
-ships to devote all the Lands purchased, and paid
for, by the King, from the Six Nations, to the sole
Advantage of Virginia; Not only in, "the Support of
(its) "Government & the contingent Charges thereof" (and
of Course, exempting that Colony, for all Taxes for
that Purpose) But in rendering those Lands "liable"
(as Mr. Walpole justly observed in his Letter of the 14th
of July last, to the Earl of Hillsborough) "to the pre-
"-vate Depredations of the Virginians, and other Border-
"-ers; for Grants and Settlements, such as are procured
"without the least Prospect of Advantage to the King
"and this Country — cannot deserve any Other Appel-
"-lation; And unless some immediate Stop, is put to
"this growing Devastation of the publick Stock, the
"Country will soon be garbled to the private Benefit,

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"merely of a few Individuals: — On the Whole, my Lords, it is evident, That we are the first of the King's Subjects, who have offered to buy his Majesty's Lands in North America, and to pay the Treasury, as much for a part of the purchase from the Six Nations, as the whole Cession cost. — On the other Hand, It is equaly obvious, my Lords, that / the Colony of Virginia, — is so far from being a fair Competitor [114.1] with Us, That She has not Even offered to pay, the least Consideration whatsoever to the Treasury, for any of the Lands purchased by the King, West-ward of the Alleghany Mountains; — But on the Contrary, by the strongest Implication, earnestly solicits, by the Answer of the President of the Council, — That the King's Lands, so lately purchased by Him, may be given to Her, That She may thereby, be exempted from those Taxes, "for the Support of Government" which all the Sister Colonies are subject to; And without the "Sale" of any of which Lands, She has hitherto very well supported her Government.

17th } As these two paragraphs contain Observations, near-ly of the same Nature, We shall therefore consider and answer them, at the same Time. — The President acknowledges My Lords, That it may be "a Wise "and prudent Measure to establish a New Colony on "the Back of Virginia, when the Country shall be

"sufficiently populated." It may not therefore, my Lords be improper Now, to assure your Lordships, that there are not at present less than Ten Thousand Persons actualy settled on the Lands, — which We have agreed for with the Lords of the Treasury, as we can satisfactorily prove to your Lordships. — But the President says my Lords, That "the Argument of the Settlement of those parts, will be a good Barrier and Defence to the Frontiers of Virginia, appears to me, "from Experience, to be rather spacious than solid;" And "That if you increase the Distance and Extent, "the Difficulty and Expence of defending will be "proportionably increased &c" — On which extraordinary Declarations, we would briefly remark to your Lordships / That the People of Virginia, by their House of Burgesses in General Assembly met, were about three Years ago, of a very contrary Opinion to the President, as appears by the following Paragraphs in the Address of the House of Burgesses to the King, of the 4th of August 1764. (being Paper hereto annexed marked N°: 4) —, They say "That by Instructions from "your Majestys royal Grandfather of glorious Memory "to his Governor of this Dominion and by several "Acts of Assembly, "Encouragements were given to Persons, "who should settle to the Westward of the Ridge of Mountains, dividing the Rivers Roanoka James and Powtomack

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"from the Waters of the Mississippi, as by peopling that
"Country, not only the Export Trade to Great Britain,
"especialy in Naval Stores, would be greatly increased;
"But a strong Barrier would be formed, against the
"Incursions of the Indians and other Enemies, in Time
"of War and thereby the internal Peace of this Colony
"and the other Parts of your Majesty's Dominions in
"America, would be secured to them". — And in another
part of the same Address —, The House of Burgesses, my
Lords, say — "We humbly hope, that We shall ob-
"-tain your Royal Indulgence, when we give it as our
"Opinion, that it will be for your Majesty's Service
"and the Interest of your American Dominions in general,
"to continue the Encouragements (To wit, the total Remis-
"-sion of Right Money And Quit Rent for Ten Years
"and all Taxes whatsoever for fifteen Years) "for settling
"those Frontier Lands":

19th In Answer to the Nineteenth Paragraph, We would only say, my Lords, that We have already, in the most explicit Terms, agreed, That "the poor Settlers" shall enjoy the several / and respective Tracts of Land, that [1.377] they have actualy settled and improved.

20th We are perfectly at a Loss, my Lords to conceive, what the President means, by saying, that it will "be proper
"before any Grant is made to Mr. Walpole and his As-
"-sociates, an exact List should be taken of the People

"settled on those Lands" And which, He adds "cannot "be done, but by great Length of Time and at no "small Expence". In the third, fourth, fifth and sixth Paragraphs of the Presidents Answer, He tells your Lordships of the following Grants,— To wit, Of the Ohio Company's,— of the Officers of Virginia's,— Of the Traders of Pennsylvania's,— Of Colonel Croghan's; And at the same Time, the President speakes of an additional Quantity," Which He presumes, will be re "quired to satisfy the Virginia Regiments". All these, the President says, "amounting to 800,000 Acres, are to "the Northward,"— And then in the 4th Paragraph, He expressly acquaints your Lordships, That "All the other "Grants are or will become lapsed, except 800,000 Acres "to John Lewis and Others and 100,000 Acres to James Patton & others". In the 12th Paragraph, your Lordships will be pleased to recollect, that the President con. -clusively says,— "Those 1,700,000 Acres, which I have "taken Notice of in all, I suppose, will take place of "all new Adventurers. Permit Us then, my Lords, to inform you, that of all those Grants, which the President supposes, "will take place, of all new Adven. "-turers,"— We do fully agree with Him, as to the follow. -ing.

To Wit

As to the Ohio Company's —

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The Officers of Virginia's 200,000 Acres —
The Pennsylvania Trader's Grant.
And Colonel Croghan's; — But with Respect to Mr. [P. 380]
Walker and / Mr. Lewis's indefensible Order, for 800,000
Acres; — We cannot possibly, my Lords, agree with the
President, after the King's Council of Virginia, has
declared it illegal, and for that very Reason, refused
to renew their Grant. — And with Regard to James
Patton's Order of Council for 100,000 Acres, if it shall
appear, my Lords, that those Lands are really settled,
We will agree, That He and his Associates shall hold
them, on the same Terms, as if they were now to
obtain a Patent for them, from Virginia. From the
foregoing State of Facts, faithfully transcribed, — My
Lords, from the Presidents own Representation, your
Lordships will perceive, That We perfectly comply with
the Request of the President, (except, as to the addition-
-al Quantity required for the Officers of Virginia and
the lapsed and void 800,000 Acres, of Mr. Counsellor
Lewis and his Partners) and therefore, his proposing,
that an exact List of the Settlers should be taken,
before any Grant, should be made to Us, could only,
my Lords, in our Opinion, be unkindly intended to
perplex and delay Us.

21st. The twenty first Paragraph, my Lords, seems de-
-signed only, to introduce Colonel George Washington's

Letter to the late Lord Botetourt; And as the Colonel appears to be much hurt by the Agreement, which We have made with the Lords of the Treasury,—We pray your Lordship's Patience, whilst We make a few Observations on his Letter. This Gentleman informs Lord Botetourt, That if We obtain "The Bounds of our "Grant" &c It will destroy "the well grounded Hopes of "those (if no Reservation is made in their Favor) who "have had the strongest Assurances which Govern-
[f. 201]
"-ment could give them, / of enjoying some of those "Lands; the securing of which," He says, "hath cost this "Country much Blood and Treasure." The Colonel we suppose, here means, that the Officers and Soldiers of Virginia, will, in case of our Success, have "their "well grounded Hopes destroyed; of enjoying some of those Lands": — In this, my Lords, the Colonel's Fears were entirely groundless; — As is obvious from the Agreement which we have made with Colonel Mercer, Agent for all the Virginia Officers; To wit, that they shall have the 200,000 Acres promised to them, by Gov-ernour Dinwiddie's proclamation of the 19th of February 1754, and on the very Terms therein mentioned. —— The last Paragraph however, of Colonel Washington's Let-ter, contains such an important and singular Observa-tion, — That We must beg Leave, my Lords, to recite it, at large — "These my Lord" He observes, "are the

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"Bounds of a Grant under Consideration and if obtain-
"-ed, will in my humble Opinion, give a fatal Blow
"to the Interest of this Country". — On this "humble Opi-
"-nion" We would only ask the Liberty of your Lordships,
to enquire, whether this same Colonel Washington, did
think, that his and a few Others obtaining Lands
on the River Ohio, of no less than four Degrees of
Latitude in Extent; and Even without paying one
single Farthing Consideration to the King for them,
was "giving a fatal Blow to the Interest of this
"Country". Your Lordships on Examination will find,
that no such patriotick Sentiment, as a Fear "of giv-
"-ing a fatal Blow to the Interest of his Country;
actuated this Gentleman, about the Beginning of De-
-cember 1768; — For at that Time, a *Petition was pre-
-sented to the King, [p. 3:a] in behalf of Him and thirty one
Virginians, — two Londoners only (To wit Mr Thomas Cum-
-ing and Mr Stephen Sayre) and two Marylanders, under
the Title, of the Humble Petition of sundry Inhabitants
of Great Britain, Virginia, and Maryland; — the publick
spirited and curious prayer of which very extraordin-
-ary Petition, We shall presume to transcribe for your
Lordship's perusal; As it is singularly expressive of the

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*The Petition was read in Council and referred the 16th of December 1768 and on the 9th of March 1769 it was read at a Committee and referred to the Board of Trade.

Colonels Tenderness for the Interest of this Kingdom and for his own native Country. Which your Lordships may recollect, He most pathetically laments, would receive "a fatal Blow" if our Agreement, with the Treasury was perfected. — The Colonel and his Partners, humbly pray, "That your Majesty grant unto your Petitioners, to be "fifty in Number, by the Name of the Mississippi Com. "pany, 2,500,000 Acres of Land, in one or more Sur. "veys to be located or laid off between the 38th and "42d Degrees of North Latitude, the Allegheny Mountain "on the Eastward, and thence Westward, to the divid. "ing Line; the running of which, your Majesty has "been lately pleased to Order — And That your Pe. "titioners shall have Liberty of holding their Lands, "twelve Years or any greater Number, that your Ma. "jesty shall approve (after survey of these be made "and returned) clear of all Imposition Money, Quit Rent "or Taxes, and that your Petitioners shall be obliged "to seat the said Lands within twelve Years, with two "Hundred Families at least, if not interrupted by the "Savages or some Foreign Enemy, and return the Survey "thereof to such Office as your Majesty shall be pleased "to direct, Otherwise to forfeit the Grant." It seems then, my Lords, That "the Sum of the Colonels Thoughts (to adopt his own Words)" as a Member of the Community at "large", was in the Year 1748, To have 2,500,000 Acres of Land

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given to Him (of the very Tract, my Lords, which We [1.384]
have/agreed to pay £10,000 for) – free of all Quit Rent,
Taxes and Imposition Money for twelve Years, and that
he should only be obliged, in that Time, to settle 200
Families thereon. – With submitting this State of Facts
to your Lordships, We shall now take our Leave, both
of the Colonel and of the 21st Paragraph, by only ob-
serving that the President was much mistaken, when
He said, That the Colonel was "The Gentleman who had
"the Honor to command the first raised Troops &c."
As we assure you, my Lords, Major William Trent
(One of our Associates) is "the Gentleman", who "had
that Honor", and not Colonel Washington...

22d. As to the Advice and Information of the President
contained in the last Paragraph. We shall only
remark, my Lords, That tho' We undoubtedly propose
to benefit our Families, by the purchase of the Lands
from the King. Yet We assure your Lordships, We shall,
as certainly, endeavour to strengthen and extend the
Dominions of the Crown and increase the Demand
for British Manufactures, – by effectualy preventing
large Monopolys of Lands (which was fataly neglect-
ed in the Infancy of the Colonys of New York and
Virginia) And giving the greatest Encouragement to
early Marriages, and of Course to speedy population,
which cannot, my Lords, in our Opinion, be effectiously

done, except by dividing our Lands into small Plantations and giving Time or a Credit, to the purchasers to pay for them, — As is, and always has been, the wise Practice in Pennsylvania; — And it was, my Lords, give Us Leave to say, from a fixed & unalterable Resolution of steadily prosecuting this Plan, That we early acquainted your Lordships, we would be at the whole Expence of supporting the civil Establishment of our
[1 350]
own / Government. In case, his Majesty should be graciously pleased to grant it to Us. — To conclude my Lords, We would just remark to your Lordships, that thro' the Whole of the Presidents Letter — Not so much as one single Idea is insinuated by Him, That the principle of our Grant, either was or would be prejudicial to Great Britain; But the whole of his Letter, my Lords, tends chiefly to secure, if possible, to His Brother, Friends and Relations, Their unwarrantable and forfeited Orders of Council. There are at present, as We have already taken the Freedom to mention to your Lordships, at least Ten Thousand Persons, settled between Fort Pitt and Kenhawa (agreeable to an old Practice in the Middle Colonies, of securing what is called a Right of Location) and this Number, is daily encreasing. They are near four hundred Miles from Williamsburgh, where, all Capital Crimes are tried, and cannot of Course, be governed from thence, and therefore,

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my Lords, unless Order & Subordination are brought Home to them. They will soon be ungovernable, and Discord and Rebellion (such as have recently broke out, in the exterior Parts of North Carolina) will generaly prevail;- The sad Consequences of which, with Respect to the Other Colonies, to this Kingdom and to the Continuance of Peace with the Indians, are too obvious to need mentioning;- And so entirely, was the House of Burgesses of Virginia of this Opinion, that they informed the King in their Address of 1764-, That "if "the present Restriction (meaning the Proclamation of 1763) "should continue, We have the strongest Reason to be"lieve, that Country will become the Resort of Fugitives "& Vagabonds, Defyers of Law and Order and who in "Time may form a Body, Dangerous to the Peace and "civil Government of this Colony."

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205/1333 Y

[Townall]

[written on quarto paper, right hand pages - the Remarks being on the left hand pages]

[p305-6]

[p307] p.1 of original

No. 1.—

Remarks. London July 9th 1770

Sir

In Compliance with Your Request, I do myself the Pleasure, of making you acquainted with a few facts, respecting the Granting of Lands, within the Colony of Virginia.

The Kings Instructions, to the Governor, I understand, Direct, — That no person shall be permitted to take up more than One Thousand Acres; and yet so little has that Instruction been regarded, That above Two Millions of Acres, have been Granted to some of the Council of Virginia and a few other persons, as is Evident from the printed Case of Ohio Company. And what is more remarkable, and prejudicial to the Kings Interest, is the *loose Mode, in which the Orders of Council of Virginia, seem purposely made, to afford an Opportunity to the Petitioners, To garble, in the most shamefull manner, The Kings Lands.

*This charge is not answered by the President of Virginia .....

No. 1

Remarks

N:1 These were plain and explicit Charges, and shewed clearly, in what a scandalous Manner, the Kings Lands were squandered away in Virginia. The President of the Council will knowing This, has not ventured to dispute the Truth of this Information.

[p.309]
p.2

N:1. The following amongst a great Variety of other Instances, that can, if necessary, be produced, is an Undeniable Proof thereof — At a Council held July 12th. 1749 "On the Petition of "John Lewis Esqr, Thomas Walker, John "Merriwether, Charles Lewis, James Power, "Peter Jefferson, Charles Dick, Charles "Barret, Joshua Fry Thomas Turpin, "John Harvey, Thomas Merriwether, Thomas "Merriwether Junr, John Bayler, Samuel "Waddy, Robert Barret, Henry Willis, Peachy "Gilmer John Lewis, James Murray, Thomas "Lewis, Peter Hedgman, John Moore, Robert "Martin, Henry Tate, Richard Jones, William "Wood, Samuel Dalton, Francis Thornton "Junr John Thorton (Sam), John Thornton, John "Peiree, William Stevenson Nicholas Lewis, "Nicholas Merriwether William Hudson "Francis Merriwether Humphry Hill and "John Dixon leave is given them, to "take up, and Survey 800,000 Acres of "Land, in one or more Surveys, begin- "-ning on the Bounds between this "Colony and North Carolina, and run- "-ning to the Westward, & to the North.

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Cas/D33

Remarks

"so as to include the said Quantity."

N:1. See Remark N:1. Page 1.

N:1 On the Petition of Peyton Randolph Alexander Mackenzie Robert Tucker, John Tucker, George Gilmer Benjamin Waller, William Parks, Armistead Burwell, Edmund Pendilton, John Willoughby, John Maddison, John Skelton, John Garland, Thomas Williamson, Maximilian Calvert, Cornelius Calvert, Paul Loyal and George Logan leave is granted to them, to take up & Survey 400,000 Acres of Land in one or more Surveys, lying on New River, commonly called Wood's River, and the Waters thereof.

N:2. The President acknowledges this Charge; as he says none of the Orders of Council have been Surveyed, except Lewis's.

N:2. It may not be improper, here to Observe, that althó those very enormous, and extraordinary Orders, were issued in the Year 1749, - Yet no Quit Rents have been Collected, [Page 13] nor Surveys returned, into the Secretary's Office.

N:3. The President does not deny, But those 800,000 Acres may be located in the prejudicial Manner to the Kings Interest, as is here stated.

N:3. By the great Latitude of the first mentioned Order, the Grantees may Locate their 800,000 Acres, in Fifty Thousand, or more different Places, between Fort Pitt, and the Bounds between Virginia, and North Carolina; And can-

Remarks

it be imagined, that they will include any, but the very best Land in their Surveys? leaving the Mountains, Boggs, and Barrens, as a Range for the battle of their Patentees; For no person surely will be so foolish as to pay the King a Quit rent for what they shall refuse.

N°6 The Presidents Answer to this, is remarked on, in the Observations herewith delivered to The Lords of Trade and Plantations.

N°11 How different is the Proposition made by your Self and others; for the Purchase of a Tract of Country, on the back of Virginia? You tender to Government, the immediate payment of as much Money, as was paid by the King, for all the Lands ceded to his Majesty by the Treaty of Fort Stanwix, and thereby establish a Precedent which in future, will be of the greatest Utility to the Crown, in point of Revenue — You Generously Agree for a Quantity of Land, within certain defined Boundaries, & thereby include Mountains, Bogs & Barrens, (of which if any one will cast his eye on the Map he will see there is a great proportion) and offer to establish,

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Remarks

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and support at your own Espence a Civil Government therein; Whereas the large Grantees in Virginia, are not, it is clear, Actuated by such Publick, and disinterested Motives; but are even favoured with the Aid of that Colony, in making Settlements over the Allegheny Mountains. This is evident, from perusing the Act of Assembly, made in Virginia in November 1754, (which has received the Royal Approbation) Enacting - "That all persons being "Protestants, who shall Settle, and re-"side on any Lands, Situate to the "Westward of Alleghany Ridge, shall "be exempted from the Payment of "all publick, County, & Parish Levies, "for the Term of fifteen Years": In short, the manner of Granting the Kings Lands in Virginia, is so Obviously prejudicial to his Interest, that I must beg leave to Incole a part of a Memorial presented to Governor Dinwiddie in 1752, as it is so clearly expressive thereof.

N.B.

Remarks

N.5 The President makes no Observation on this Memorial presented in 1752 to Gov.r Dinwiddie, as it contained publick Facts that could not be controverted

N.5 "The Landmongers, by procuring "an Order of Council for a certain "quantity of Land, make Surveys at "so unreasonable a distance, as might "include five Hundred Times the quan- "tity, and it is presumed, under their "Grant no person can interfere. When "they meet with Purchasers, so much "Land is taken up. & his Majesty's "Land is Granted to his Subjects, not "by a Purchase from himself, but "from / Persons who Substitute themselves "his Brothers, and receive the full value "of them".

[p.395] p.2

From hence it is Apparent, that the Method of disposing of the Kings Lands in Virginia, is neither honour- -able nor Usefull to Government; and will not be Attended with those Nation- -al Advantages, which must Undoubt- edly result from the plan proposed by Yourself and Others, and at the same time relieve the Colony of Vir- -ginia, from the Expence of protecting & Defending the Settlers over the Alleghany Mountains, which by the above Recited

N.6. This the President says, is rather "specious than solid." But he is fully answered on this Point, in the Observations here- -with delivered to the Lords for Trade and Plantations.

N.6

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Remarks

Act of Assembly, that Colony undertook to do – On the whole, exclusive of the Extraordinary Indulgences Afforded to the persons Already Named – permit me also to inform you that on the 4th. of

N.y. The President does not deny, That those loose and unwarrantable Orders of Council were made in Favor of John Blair Esqr. of the Council and of William Mc mahon and Company

Novemr. November 1745 John Blair Esqr. of the Council & had leave Granted, to take up 20,000 Acres of Land lying to the Westward of the Line of Lord Fairfax, on the Waters of Powtomack, and Youghyoughgane, and four years Time to Survey the same. And on the Petition of William Mc Mahon and Company, Leave was Granted, to take up 60,000 Acres of Land, joining to the Above Grant of John Blair Esqr & others, and upon the Waters of Powtomack West & North west of the Line of Lord Fairfax, & on the Branches of Youghyoughgane, and Monongehela, and Five Years Time Allowed, to Survey the same. –

[illegible] [illegible]

/Is it Possible Sir, for any Locations to be expressed in more general Words for private Emolument and more Shamefully for the injurious purpose,

Remarks

of Garbling the Kings bountry? —
And yet these were not all the fa-
-vours extended to the persons; For on
the 26th of October 1751 John Blair Esqr.
was allowed 4 Years further Time to
Surveyre And William Mr Mahon & Com-
-pany, were Allowed five Years farther
Time to Survey re Thus, as the Ohio
Company Justly Observed to Governor
Dinwiddie "Some Persons are so far
"from being at any Expence or pro-
"curing any Publick Advantage, That
"they have made large Fortunes, by
"Selling his Majesty's Lands"

Whether is it wisdom now in
Government, to countenance Settlements,
to the Westward of the Alleghany Mount-
-ains, it is not my duty to determine.
But I would beg leave to Shew that
the Lords of Trade were of Opinion
it was, as is obvious from their Re-
-port[x] about the Year 1748, to the Lords
of his Majestys Council. — Their Lord-
-ships then Reported, That "the Settlement

Nr8 It is twenty six Years
since those Orders of
Council were issued; Yet
the President in his late
Letter, says, That none of
those Lands are surveyed,
except Lewis's. Thus dis-
honorably are the Kings
Lands disposed of, in
Virginia!

x 23d Febr 1748/4
24 The Lords of his Majestys Council
also report

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Remarks

"of the bountry lying to the West-
"ward of the Great Mountains, as
"it was the benter of the British
"Dominions, would be for his Ma-
"jestys Interest, and the Advantage,
"and Security of Virginia, And the
"Neighbouring Colonies &c" And Ad-
-ministration have also, since that
Time, been clearly of the same
Opinion By confirming the Act of
Assembly of Virginia which Exempt-
-ed the Settlers/Over the Mountains,
from the payment of all Taxes for
fifteen Years. I would also re-
-mark to you - That Upon the re-
-commendation of Lord Bottetourt,
the King has been graciously pleas-
-ed, to permit the Boundary Line,
as Settled by Mr Stuart with the
Cherokees, to be extended farther to
the Southward, and that this Ex-
-tention (Tho' wholly I am sure,
unknown to Government here, is
immediately subservient to the Pe-
-titioners, in the enormous Grant
of 800,000 Acres, mentioned in the

N.B.

N.B. The President does not venture to deny this. And Messrs Lewis and Walker, who by the Certificates of the Clerk of the Council of Vir-
-ginia lately sent to Lord Hillsborough by the Presi-
-dent, appear to be two of the principal Grantees, and who the President says, have made some Progress in their Grants, were not only appointed Commis-
-sioners on Behalf of Vir-
-ginia, To attend the In-
-dian Congress at Fort Stanwix; but were also afterwards appointed Com-
-missioners, to settle the Boundary Line between the Cherokees and Vir-
-ginia, as appears by their Report to Lord Botetourt dated the 2d day of February 1769.

beginning of this Letter

If the Permission of a Purchase from the Cherokees, favouring such a Company, and thereby Admitting them to make Settlements is proper – I hope I may be Suffered to say, I think, Your Company merit every Encouragement from Government, as you have made Your Proposals, on Candid, publick, & honourable Terms

From what has been Observed in the Course of this Letter, and the Facts that are adduced, relative to Grants in Virginia — It will not, I suppose, be doubted, But if Government shall be pleased to delay the Completion of your Contract untill the Winter – That the old Orders of Council, Drawn as has been shewn, in the most loose, and indefinite Terms, so as to Locate as many Chosen / Spots, as the Favorite pleases (to the Westward of the Allegheny Mountains) will be immediately executed, on great part of the Lands you have Agreed for, with the Treasury; Or that Methods will be taken by the Council of Virginia, and their Friends, by borrowing of Names &c (as is Usual in that, and some other Colonies, Whereby, in Appearance, Each person holds but one thousand Acres) To have Surveyed, to their Use,

[p.m.] N.B

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all the best Lands comprehended within Your Boundaries.

The Country to the Westward of the Mountains, I am well informed, is now Settling very fast, and no Instructions from hence can well hinder such Settle-ments; for under the Sanction, and Spirit of the Act of Assembly of Virginia, (con-firmed by the King) such Settlements, are not only declared Lawfull, But even so politick, as that the Greatest Encourage-ment is thereby Given (as has been shewn) to Settlers. — The only Question that in my Opinion, remains, is, Whether Individu-als in Virginia, shall be permitted to Mo-nopolize on Narrow, and Sinister Prince-ples, the Country to the Westward, of the Alleghany Mountains! or whether You, and Your Associates shall be encouraged in an Undertaking, which will be Un-questionably expensive, and hazardous to Yourselves? But as incontestably pregnant [p.403] with Great, and immediate/Advantages to this Kingdom, in point of Revenue, Govern-ment and Commerce, and likewise great-ly Advantageous to the Colony of Virginia

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in relieving them from the Cost; and fatigue of defending a most extensive Barrier.

At the foot hereof, You have a list of some of the large Grants made in the Colony of Virginia — I am with great respect & Esteem / Sir

Your most obedient & most Hble Servt.

N°. 10
It appears by the List lately sent by the President of Virginia to Lord Hillsborough that Orders of Council had been obtained in Virginia for a considerable Number of Acres of Land exclusive of the 2,000,000 of Acres mentioned on the opposite Side.

N°. 10

A List of Orders of Council of Virginia being all that could be procured.

John Robinson Esqr. one of the Council &c	100,000 Acres
John Smith &c	50,000
James Payton &c	100,000
Henry Downes &c	50,000
John Blair Esqr. one of the Council &c	100,000
William Mc. Mahon &c	60,000
Bernard Moore &c	100,000
John Lewis Esqr. one of the Council &c	800,000
Payton Randolph Esqr. &c ...	400,000
William Winston &c	50,000
Richard Corbin Esqr. One of the Council and three Orders for.	190,000
	2,000,000 Acres

To the Honorable Thomas Walpole

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605/1338

N.2.

Extracts from the Journals of the House of Bur.
-gesses of the Colony of Virginia.

Monday November 24. 1766.

A Petition of Sundry Inhabitants of the County of Augusta, Setting forth that great Numbers of People from the interiour parts of this Colony are desirous of Settl.
-ing on the Waters of the Ohio. and many German Emigrants are desirous of doing the same, but are de.
-terred therefrom, by Reason of the Claims Sundry Com.
-panys set up. by Virtue of some old Grants obtained in England,* and others from the Governor and Council of this Colony. The Terms of which have never been Com.
-plied with (To the great Prejudice of his Majesty. as well as his Subjects◇) but the several Claimants under such Grants deter your Petitioners, and others, from enter.
-ing for Land on those Waters; They are also prevented by Orders Advertised by his Honour the Governour; for.

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* The Ohio Company. who have relinquished all Claim from Government, and are now a part of Mr Walpoles Company.-

◇ The paper Marked N.1, is a particular Account of the shameful and injurious manner, in which the Kings Lands have been Monopolized, with.
-out the least Advantage to the Crown, by some of the Council and a few other persons in Virginia. The Letter lately received from the president and Council of that Colony (To whom a Copy of the Paper N.1 was sent) does not refute one Single Fact, contained in this Letter; as can at any time be made Appear.

bidding the Surveyors to take any Entries beyond the Mountains; That they conceive, if such Grants had not been made, that the Back part of this Country would have been so well peopled. That the Inhabitants would have been able to have repelled the Incursions of the Indians and saved immense Sums to the Colony, already expended on that Account, besides producing large Quantitys of Hemp and Flax as an Export, to the Mother Country.

[Page 6]

/That so many Benefits to Great Britain and this Colony, may be no longer delayed. They humbly pray, that his Majesty may be Addressed to give Leave, that Lands may be entred for, on the said Waters, and That the Grants not yet Complied with, may be declared Void and of no Effect.

Saturday, December 13, 1766.

The Order of the Day being read, for the House again to resolve itself into a Committee, to take into their further Consideration the State of the Colony.

The House Accordingly resolved itself into the said Committee; and after some Time Spent therein, Mr. Speaker resumed the Chair, and Mr Blair reported, That the Committee had had the same under their Consideration, and had come to a Resolution thereupon; which He read in his place, and then delivered in at the Table.

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where the same was again twice read, and Agreed to. as follows.

Resolved, That an humble Address and Representation be presented to his Majesty, Setting forth, That as in Consequence of the Royal Instructions, and of Encouragements given by Several Acts of Assembly of this Colony. To promote the Settlements on the Waters of the Mississippi, Sundry Persons have formerly, at great Expence and Trouble, transplanted themselves from other parts, and Settled on those Lands, having either Obtained Patents for the [1407] same, or such Grants as by the Rules of Government entitle them to Patents, ◇ such Settlers cannot be deprived of their Lands, or Compelled to remove from the same, consistent with the publick Faith, engaged by those Instructions and Laws.

And That it will be greatly for his Majesty's Service, and the Interest of this Colony, To continue Encouragements for promoting Settlements on all the Lands, Situated between Pennsylvania to the North the River Ohio to the West, and North Carolina to the South; within which Limits is contained a large Extent of rich fertile Lands, great part of which, are

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◇ The last Clause of Mr Walpole and Associates Memorial to the King in Council, contains a Strong Saving, or Reservation in favour of those Settlers, in the manner of the last Charter of the Massachusetts Bay.-

not claimed by any Tribe of Indians, none of it inhabited by them, and little used as their Hunting Grounds, Their Right to which we have Reason to believe they would readily cede to his Majesty and Consent to the Settlement thereof, by British Subjects And to desire, That He will be graciously pleased, not only to rescind his Royal proclamation, requiring all persons to remove from their Lands within those Limits, but also to give directions to his Lieutenant Governour, or Commander in Chief here, That Grants for those Lands may be made to all Adventurers, in the Usual and Accustomed manner, and that all Offices may be Opened for that Purpose, According to our Laws, and the Rules of Government.—

Ordered, That an Address be prepared, agreeable to the said Resolution; and it is referred to Mr. Blair Mr. Pendleton, Mr. Archibald Cary, Mr. Richard Henry Lee, [p.208] Mr. Fleming / Mr. Landon Carter, and Mr. Benjamin Harrison, to prepare and bring in the same.—

Note That an Address was made Accordingly, in August 1764. and presented by the Agent of Virginia, The latter End of that Year;— Which Address is marked N°. 2.—

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605/128

[Walpole]

[p.409]

N°. 3

Monday 28th May 1770.

Sir

I am much obliged to you for your Ex:tract of the Memorial of the House of Burgesses of Virginia, concerning their Proposal to Government, for purchasing <u>all</u> the Lands belonging to the Cherokee Indians; and I shall take the Liberty of stating to you my Reasons, why I think this Proposal from Virginia, cannot affect the Application I am concern:ed in with other Gentlemen, for the Grant of a Tract of Land on the River Ohio, in consequence of our Agree:ment with the Treasury, for the Price to be paid for such Tract. Because the Lands comprehended in our Tract, are only part of those already purchas:ed by Government of the Six Nations, under the Treaty concluded at Fort Stanwix, and our Tract, not extending itself so low down the River Ohio as the Limit fixed by that Treaty, cannot regard Lands still to be purchased or come near the Line described by the Memorial of Virginia; but in case, the Line desired by the Government of Virginia, should be meant to comprehend any Part of our Tract, I should still hope, we are entitled to a Preference, from the much earlier Date of our Application to that made by Virginia, which is only since the Month

[p.410]

of December 1769. And / cannot have reached England, before the latter End of January last, at soonest: Whereas our first Application to his Majesty in Council, was referred to the Board of Trade on the 15th of November 1769. And althi' the Memorial from Virginia alludes to some preceding Transaction of the same Nature, yet as that Plan, whatever it may have been, is not adopted by the said Memorial, It does not appear, that Government is at present, under any Kind of Engagement with the Virginians, prejudicial to the Treaty. I am concerned in. And I rather flatter Myself in this Respect, from the Encouragement the Treaty has met with in its progress, particularly from Lord Hillsborough's kind Recommendation to the Board of Treasury, where we agreed on the 6th April last, for the Price to be paid for the Lands, and are now before his Majesty in Council, praying a Grant of them. I cannot help saying, a Disappointment or Delay in this last Stage of the Business, would give me great concern, unless I might be acquainted with better Reasons for it, than hither-to appear to Me; In the mean while, trusting in the Countenance I have already met with, in every Department of Government, and in Consideration of

[p.411]

many Persons / interested, of much greater Weight than Myself. I beg your Excuse for giving you so much

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Trouble with my private Sentiments, desiring they may be considered, as such only, & not to prejudice a good Cause, by a bad Advocate.

I profess Myself with the sincerest Esteem & regard

John Pownal Esq
Secretary of the
Plantation Office.

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[p. 231]

Lincolns Inn Fields
the 14 May 1772.

Sir

Having perused with attention the Copy of the Report of the Lords Commissioners of Trade & Plantations on the Petition of myself & Associates for a Grant of Part of the Lands on the River Ohio in America ceded to his Majesty by the Indians, by the Treaty at Fort Stanwix; and Observing that one of the principal Ob-jections made by their Lordships to the prayer of the Petition is, that part of the Lands prayed for lies beyond the Line which has in consequence of His Ma-jestys orders for that purpose been settled by Treaty as well with the Tribes of the Six Nations and their confederates as with the Cherokee Indians as the bound-ary line between his Majesty's Territories and [p. 232] their hunting grounds. —

I must desire you will please to present my earn-est request to the Lords Commissioners of Trade & Plan-tations that I may be favoured with a Copy of such Treaties as have been concluded since the Ces-sion made at Fort Stanwix —

I am with the Sincerest regard
Sir
Your most hum. Serv.
Thomas Walpole

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605/133

[P.225]

At the Court at St. James's

the 14th Day of August 1772.

Present

The Kings most Excellent Majesty

in Council

Whereas there was this Day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs Dated the 1st of last Month in the Words following - Viz:

"Your Majesty having been pleased by Your "Order in Council of the 24th of May 1770, to refer "unto this Committee the humble Memorial of Thomas "Walpole, Benjamin Franklin, John Sargent and Samuel "Wharton on behalf of themselves and their Asso- "ciates, Setting forth, That the Memorialists and "others presented a Petition to Your Majesty in "Council praying a Grant of Lands in America "(parcel of the Lands purchased by the Govern- "-ment of the Indians) in consideration of a price "to be paid in purchase of the same; That the "said Petition was referred by Order of Council "to the Lords Commissioners for Trade and Plan- "tations; That the Memorialists in pursuance of "a Suggestion which arose upon Consideration of "the said Petition at that Board of making a

"purchase of a larger Tract of Land sufficient for
"a seperate Government were directed to apply to
"the Lords Commissioners of the Treasury in respect
"of the price to be paid for the purchase of such
"Tract and the Quit Rent to be reserved thereon;
"That the Memorialists in consequence thereof did
"on the 4th Day of January last present to the
"said Lords Commissioners of the Treasury a Me.
"-morial and paper containing a Description of the
"Lands they were desirous of purchasing as fol.
[Proceeds] "lows Viz: "Beginning / on the South Side of the
"River Ohio opposite to the Mouth of Scioto, thence
"Southerly through the pass in the Quasiota Mount.
"ains to the South Side of the said Mountains,
"thence along the side of the said Mountains
"North Easterly to the Fork of the Great Kenhawa,
"made by the junction of Green Briar and New
"River, thence along the said Green Briar River
"on the Easterly side of the same unto the Head
"or termination of the North Easterly Branch there.
"of, thence Easterly to the Allegheny Mountain,
"thence along the said Allegheny Mountain to Lord
"Fairfaxs Line, thence along the same to the Spring
"Head of the North Branch of the River Powtomack
"thence along the western Boundary Line of the
"province of Maryland to the Southern Boundary

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"Line of the province of Pensilvania, Thence along
"the said Southern Boundary Line of the province
"of pensilvania to the End thereof, thence along
"the Western Boundary Line of the said province
"of pensilvania until the same shall strike the
"River Ohio, Thence down the said River Ohio to
"the place of beginning"— And for which they
"offered to pay the Sum of £10,460.7.3 being
"the whole of the Money paid by Government for all
"the Lands purchased of the Six Nations at Fort
"Stanwix; And the Memorialists did further offer to
"pay a Quit Rent of two Shillings for every Hun-
"dred Acres of Cultivatable Land within the said
"Tract, praying an Exemption from the payment of
"the said Quit Rent for the Space of Twenty Years,
"but offering to pay the said purchase Money to
"the Order of the Treasury; That the said Lords
"Commissioners of the Treasury after long and full
"deliberation had thereupon did on the 7th Day of
"April last acquaint the Memorialists that the
"Board had no Objection to Accepting the propo-
"sition made by the Memorialists for the said Tract
"of Land, with respect to the purchase Money and
"Quit Rent to be paid for the same, if it should
[1427]
"be thought adviseable by those Departments of
"Government, to whom it belongs to judge of the

"propriety of the Grant, both in point of Policy
"and Justice; that the Grant should be made —
"In consequence whereof the memorialists humbly
"renew this Application to Your Majesty, that a
"Grant of the said Lands may be made to them
"reserving thereon to all persons their Just and
"Legal Rights to any parts or parcels of said Lands
"which may be comprehended within the Tract pray:
"ed for by the Memorialists — The Lords of the
"Committee in Obedience to Your Majestys said Order
"of Reference this Day took the said Memorial in.
"to Consideration, and having received the opinion
"of the Lords Commissioners for Trade and planta:
"tions, and heard what the Memorialists had to
"offer thereupon, Do agree humbly to Report to Your
"Majesty, that it appears to this Committee upon
"full and mature Consideration of the Evidence
"which the petitioners have produced in Support
"of their petition to Your Majesty for a Grant
"of Lands in America (parcel of the Lands pur.
"chased by the Government of the Indians) the
"most material part of which Evidence was not
"produced at the Board of Trade —

1st "That the Lands in Question have been for
"some time past, and now are in an Actual State
"of Settling, numbers of Families to a very considerable

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"Amount, removing thither continually from your
"Majestys other Colonies...

2d "That the Lands in Question do not lie beyond
"the reach of advantageous Intercourse with this
"Kingdom, it appearing from divers policies of In-
"surance laid before this Committee, that sundry
"Commodities, the produce of those Lands, are ex-
"ported from thence to a considerable amount, [P.558]
"and Evidence having been likewise produced of a per-
"son being Employed to collect and Ship from
"hence a Cargo of British Merchandize for the
"Use and Consumption of the said Settlers and the Natives

" And it is the opinion of this Committee, in case
"Your Majesty shall be graciously pleased to make
"a Grant of any part of these Lands, that the
"petitioners are best entitled to such mark of
"Your Majestys Royal Favour, in regard they are
"the first who have made proposals for the pur-
"chase from Government of Lands in Your Ma-
"jestys Plantations in North America, and have
"agreed to take the whole Expence of the Civil
"Government on themselves: But the Lords of the
"Committee Submit it as their Opinion, at the same
"time that they recommend it to Your Majesty
"to comply with the prayer of the petitioners, that
"Orders should be sent to the Superintendant for

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"Indian Affairs to apprize the Tribes of the Six Na-
"tions, and their Confederates of such Intended Set-
"tlements, and that the Lords Commissioners for Trade
"and plantations should be Directed to prepare a
"proper Clause or Clauses, to be inserted in the Grant,
"saving and reserving to the respective Occupiers all
"prior Claims to Lands within the Limits of the said
"Grant, whether derived from Equitable or Legal Titles;
"And further, Strictly prohibiting the petitioners and
"their Associates, and their and each and every of
"their Heirs and Assigns, from settling Occupying or
"Improving any part of the Lands lying between the
"Line which has been settled by Treaty as well with
"the Tribes of the Six Nations and their Confederates,
"as with the Cherokee Indians, as the Boundary
"Line between Your Majestys Territories and the
"Hunting Grounds of the Indians, and the Line
[p.259] "proposed by the petitioners / beginning on the South
"Side of the River Ohio, opposite to the Mouth of
"Scioto, and running thence Southerly through the
"pass in the Quasioto Mountains to the South side
"of the said Mountains, But that all that part
"of the said Lands, comprehended between the said
"two Lines shall remain wholly unsettled and un-
"occupied by the petitioners and their Associates,
"and each and every of their Heirs and Assigns.

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"until such time as Your Majestys Allowance and
"permission for the settling and Occupying the same
"shall be first Obtained —

"And Lastly the Lords of the Committee are
"of Opinion, to the End that the several persons
"actually Settled, or that may hereafter Settle on the
"Lands in Question, may be more properly and Quietly
"governed, that the said Settlement and District should
"be Erected into a seperate Government, in such Form
"and manner as to Your Majestys Wisdom shall seem
"meet, and under such other Restrictions and Regula
"tions as the Lords Commissioners for Trade and plan.
"tations shall advise" —

His Majesty taking the said Report into Considera.
.tion, was pleased, with the Advice of his privy Coun.
.cil. to Approve thereof, and to Order, as it is hereby Or.
.dered, that the Lords Commissioners for Trade and plan.
.tations do Consider and Report their opinion to His
Majesty at this Board, if any and what Terms of
Settlement and Cultivation, and what Restrictions and
Reservations to the Crown are necessary to be insert
.ed in the said Grant, Exclusive of the Money agreed
to be paid by the petitioners in Consideration of the
Grant of the said Tract of Land, and the Reserva.
.tion of a Quit Rent of Two Shillings for every hun.
.dred Acres of Cultivatable Land within the said

[P. 490]

Tract' after the Expiration of Twenty Years; And that they do likewise prepare a proper Clause or Clauses to be inserted therein for saving and reserving to the respective Occupiers, all prior Claims to Lands within the Limits of the said intended Grant, whether derived under Equitable or Legal Titles; and also strictly pro-hibiting the petitioners and their Associates, and each and every of their Heirs and Assigns, from Settling Occupying or Improving any part of the Lands, which lie between the Line which has been Settled by Treaty, as well with the Tribes of the Six Nations, and their Confederates, as with the Cherokee Indians, as the Boundary Line between His Majestys Territories, and the Hunting Grounds of the Indians, and the Line proposed to be drawn by the petitioners, beginning on the South Side of the River Ohio, Opposite to the Mouth of Sioto, and thence running Southerly through the pass in the Quasioto Mountains, to the South Side of the said Mountains; but that all that part of the said Lands, comprehended between the said two Lines, shall remain wholly unsettled and Unoccupied by the petitioners and their Associates, and each and every of their Heirs and Assigns,' till such time as the petitioners their Heirs and Assigns, shall have obtained his Majestys Permission and Al-lowance for Settling and Occupying the same— And

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His Majesty doth hereby further Order that the said Lords Commissioners do prepare and lay before His Majesty at this Board a plan for Establishing a sep-
-erate Government upon the said Tract, in such form and manner, and under such Restrictions [1.491] and Regu-
-lations as they shall judge proper and expedient, together with an Estimate of the Expence, and the ways and Means by which the same is to be defrayed by the petitioners.—

Steph: Cottrell

[1.492]

Endorsed Virginia/ Order in Council, dated/ August 14. 1772, directing/ this Board to report their/ opinion on the terms of/ settlement and the reservations necessary to be/ inserted in the Grant of/ Land to be made to Mr./ Walpole & others and to/ prepare certain clauses therein/ described; and to prepare & lay/ before His Majesty a plan for/ establishing a separate Govt/ upon the said Grant./ Recd Aug. 20. Read Nov. 2. } 1772./ B. b. 44.

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The Accot of his Majesty's Revenue of 2/ p Hogshead &c
Arising within this Colony of Virginia from the 25th
of October 1769 to the 25th of Apl 1770.

The Receiver General doth Charge himself with the Receipt of the said Revenue as follows			
To Balance of the last Accot £	486.	4.	—
The Accot of the Upper District of James River	1187.	9.	10
The Accot of the Lower District of James River	281.	15.	1
The Accot of the District of York River	250.	18.	4
The Accot of the District of Rappahannock River	362.	4.	8
The Accot of the District of South Potomack	216.	7.	6
The Accot of the Port of Accomack	10.	9.	—
The Accot of sundry Rights of Land Sold	335.	18.	1
The Accot of Fines and Forfeitures	....	....	....
So that the whole Receipt amounts to £	3131.	6.	6
And there will remain due to the Receiver General to Balance this Accot	352.	18.	7
	3484.	5.	1
The Receiver General doth Discharge himself By the Payment of the following Sums.			
By a Warrant for half a Years Salary to the Governor	£1000.	—	—
By a Warrant for Ditto to the Gentlemen of the Council	600.	—	—
By a Warrant to the Judges & other Officers of a Court of Oyer & Term.;	100.	—	—
By a Warrant to the Honourable & Reverend Robert Cholmondeley Auditor of the Plantations for half a Years Salary	50.	—	—
By a Warrant to James Abercrombie Esq. Solicitor of the Virginia Affairs for Ditto	100.	—	—
By a Warrant to John Randolph Esq. His Majestys Attorney General for Ditto & additional Salary from 25th Apl 1769	235.	—	—
By a Warrant to Nathl Walthoe Esq. Clerk of the Council for Ditto	75.	—	—
By a Warrant to the Adjutants for half a Years Salary	160.	—	—
By a Warrant to James Anderson Armourer for Ditto	6.	—	—

By a Warrant to the Gunners of the Batteries for Ditto ...	12.	10.	—
By a Warrant to the Ministers for their Attendance one General Court and Assembly	20.	—.	—
By a Warrant for Repairs done to the Governors House ...	312.	17.	9
By a Warrant for Contingent Charges	589.	16.	7
By Allowance of ½ p Cᵗ on £1716.5.8 for Negotiating the same in Bills of Exchange in London	8.	10.	7
By Allowance to the Auditor at 5 p Cᵗ on £2645.2.6	132.	5.	1
By Allowance to the Receiver General on the same Sum	132.	5.	1
£	3484.	5.	1

Rᵈ Corbin D. R. G.

[p.116]

I have Examined the within Accᵗ of his Majestys Revenue Commencing the 25ᵗʰ of October 1769 and ending the 25th of April 1770 and have Compared every Article with its proper Voucher produced by Richard Corbin Esqr. Receiver General and find the same truly Stated and that there is due to the said Receiver General for Balance thereof three hundred fifty two pounds Eighteen Shillings & seven pence Sterling.

John Blair. D. Audr.

May 4ᵗʰ 1770

The within Accᵗ Compared and Examined by John Blair Esqr. Deputy Auditor was produced to me in Council and Sworn to by Richard Corbin Esqr. Receiver General.

Botetourt

[p.115]

Endorsed Virginia/ Account of Revenue of/ 2ˢ p Hogsd. on Tobacco/ from Oct: 1769 to April/ 1770 -/ In Ld Botetourts/ Letter Nº 32/ Read Novr 7. 1770./ B. b. 2.

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The Accot. of his Majesty's Revenue of 2/ ℔ Hogshead &c
Arising within this Colony of Virginia from the 25th of
April to the 25th of Octr. 1770.

The Receiver General doth Charge himself with the Receipt of said Revenue as follows			
To the Accot. of the Upper District of James River ..... £	1220.	10..	10
The Accot. of the Lower District of James River	410..	11..	9
The Accot. of the District of York River	721..	10..	2
The Accot. of the District of Rapahannock River	818..	14..	7
The Accot. of the District of South Potomack	757..	15..	5
The Accot. of the Port of Accomack	.....	.....	..
The Accot. of Sundry Rights of Land Sold	330..	19..	—
The Accot. of Fines & Forfeitures	19..	19..	10
£	4280.	1..	10

The Receiver General doth Discharge himself By the Payment of the following Sums			
By Ballance of the Last Accot. ..... £	352..	18..	7
By a Warrant for half a years Salary to the Governor	1000.	—..	—
By a Warrant for Do. to the Gentlemen of the Council ...	600..	—..	—
By a Warrant to the Judges, & other Officers of a Court of Oyer & Term.	100..	—..	—
By a Warrant to the Honourable & Revend Robt. Kholmondeley Auditor of the Plantations for half a years Salary ..	50..	—..	—
By a Warrant to James Abercrombie Esq. Solicitor of the Virginia Affairs for Ditto	100..	—..	—
By a Warrant to John Randolph Esq. his Majesty's Attorney General for Ditto	135..	—..	—
By a Warrant to Nathl. Walthoe Esq. Clerk of the Council for Do.	95..	—..	—
By a Warrant to the Adjutants for half a years Salary	160..	—..	—
By a Warrant to James Anderson Armourer for Do.	6..	—..	—

By a Warrant to the Gunners of the Batteries for Ditto	12..	10..	—
By a Warrant to the Ministers for their Attendance one General Court & Assembly	22..	—..	—
By a Warrant for Repairs done to the Governors House	205.	12..	—
By a Warrant for Contingent Charges	770.	7..	5
By Allowance of ½ p C.^t on £3626.14.10 for Negotiating the same in Bills of Exchange in London	18..	2..	8
By Allowance to the Auditor at 5 p C.^t on £4250.1.10...	214..	—..	1
By Allowance to the Receiver General on the same Sum	214..	—..	1
So that the Sum Disburst amounts to ....£	4035.	10..	10
And there will remain due to Balance this Acco.^t	244.	11..	—
£	4280.	1..	10

R.^d Corbin D. R. G.

[f. 258]

I have Examined the within.^n Acco.^t of his Majesty's Revenue Commencing the 25th of April 1770 and ending the 25th of October following and have Compared every Article with its proper Voucher produced by Richard Corbin Esq.^r Receiver General and find the same truly Stated, and that there is due to his Majesty's Revenue for balance thereof two hundred forty four Pounds eleven Shillings Sterling

John Blair D. Aud.^r

Nov.^r 8th 1770

The within Acco.^t Compared and Examined by John Blair Esq.^r Deputy Auditor was produced to me in Council and Sworn to by Richard Corbin Esq.^r Receiver General.

W.^m Nelson P.

[f. 260]

Endorsed Virginia. / Account of His Majesty's / Revenue of 2/p Hogshead / from 25 April to 25 / Oct.^r 1770.

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[105]

At the Court at St. James's

the 11th day of August 1772.

Present

The King's most Excellent Majesty

in Council

Whereas there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 1st of last Month in the words following Viz.t

"Your Majesty having been pleased by Your "Order in Council of the 24th of May 1770 to refer "unto this Committee the humble Memorial of Tho.s "Walpole Benjamin Franklin, John Sargent and Sam.l "uel Wharton on behalf of themselves and their "Associates Setting forth, That the Memorialist and "others presented a petition to Your Majesty in Council "praying a Grant of Lands in America (parcel of "the Lands purchased by the Government of the "Indians) in consideration of a price to be paid in "Purchase of the same; That the said Petition was "referred by Order in Council to the Lords Commis. "sioners for Trade and plantations; That the Memo. "rialists in pursuance of a Suggestion which arose "upon Consideration of the said Petition at that "Board of making a Purchase of a large Tract of

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"Land sufficient for a separate Government were de.
"rected to apply to the Lords Commissioners of the
"Treasury, in respect to the Price to be paid for the
"purchase of such Tract and the Quit Rent to be
"reserved thereon That the Memorialists in conse.
[1768]. "quence thereof did on the 4th day of Janry / last pre.
"sent to the said Lords Commissioners of the Trea.
"sury a Memorial and Paper containing a Descrip.
"tion of the Lands they were desirous of purchas.
"ing as follows Vizt "Beginning on the South
"side of the River Ohio opposite to the Mouth of
"Sioto thence Southerly through the pass in the
"Ouasioto Mountains to the South side of the said
"Mountains thence along the side of the said Moun.
"tains North Easterly to the Fork of the Great Ken.
"hawa made by the junction of Green Briar
"and New River thence along the said Green
"Briar River on the Easterly side of the same
"unto the Head or Termination of the North Easterly
"Branch thereof, thence Easterly to the Alleghany Moun.
"tain, thence along the said Alleghany Mountain to
"Lord Fairfax's Line, thence along the same to the
"Spring Head of the North Branch of the River
"Powtomack thence along the Western boundary
"Line of the Province of Maryland to the Southern
"Boundary Line of the Province of Pensilvania,

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"Thence along the said Southern Boundary Line of
"the said Province of Pensilvania to the End thereof,
"Thence along the Western Boundary Line of the said
"Province of Pensilvania until the same shall
"strike the River Ohio, Thence down the said River
"Ohio to the place of beginning; And for which
"they offered to pay the Sum of £10,460 . 7 . 3
"being the whole of the Money paid by Govern.
"-ment for all the Lands purchased of the six
"Nations at Fort Stanwix and the Memorialists did
"further offer to pay a Quit Rent of two shillings
"for every hundred acres of Cultivatable Land with-
"-in the said Tract, praying an Exemption from
"the Payment of the said / Quit Rent for the space [L107]
"of 20 years but offering to pay the said purchase
"Money to the order of the Treasury, That the said
"Lords Commissioners of the Treasury after long and
"full deliberation had thereupon did on the 7th day
"of April last acquaint the Memorialists that the
"Board had no Objection to accepting the proposition
"made by the Memorialists for the said Tract of
"Land with respect to the Purchase Money and
"Quit Rent to be paid for the same if it should
"be thought adviseable by those Departments of
"Government to whom it belongs to judge of the pro-
"-priety of the Grant both in Point of Policy and

"Justice that the Grant should be made In Conse-
"-quence whereof the Memorialists humbly renew this
"application to Your Majesty that a Grant of the said
"Lands may be made to them reserving therein to
"all persons their just and legal Rights to any parts
"or parcels of said Lands which may be comprehend-
"-ed within the Tract prayed for by the Memorialists
"— The Lords of the Committee in Obedience to Your
"Majesty's said Order of Reference this Day took the
"said Memorial into Consideration and having receiv-
"-ed the opinion of the Lords Commissioners for Trade
"and Plantations and heard what the Memorialists
"had to offer thereupon Do agree humbly to Report to
"Your Majesty That it appears to this Committee upon
"full and mature Consideration of the Evidence which
"the petitioners have produced in support of their
"petition to Your Majesty for a Grant of Lands in
[100] "America (part of the Lands purchased by the Go-
"-vernment of the Indians) the most material part of
"which Evidence was not produced at the Board
"of Trade. —
"1st. ____That the said Lands in Question have been
"for some time past, and are now in an Actual
"State of settling, Numbers of Families, to a very con-
"-siderable Amount, removing thither continually from
"Your Majesty's other Colonies.

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"2nd. That the Lands in Question do not lie beyond
"the Reach of Advantageous Intercourse with this King-
"dom, it appearing from divers Policies of Insurance
"laid before this Committee, that sundry Commodities,
"the produce of those Lands, are exported from thence
"to a considerable Amount, and Evidence having been
"likewise produced of a person being employed to
"Collect and Ship from hence a Cargo of British
"Merchandize for the use and Consumption of the
"said Settlers and the Natives. —

" And it is the Opinion of this Committee, in
"case Your Majesty shall be graciously pleased to make
"a Grant of any part of these Lands, that the Peti-
"tioners are best entitled to such mark of Your Ma-
"jestys Royal Favour, in regard they are the first
"who have made proposals for the purchase from
"Government of Lands in Your Majesty's Plantations
"in North America, and have agreed to take the
"whole Expence of the Civil Government on themselves;
"But the Lords of the Committee Submit it as their
"Opinion, at the same time that they recommend it to
"Your Majesty to comply with the Prayer of the
"Petitioners, that Orders should be sent to the Super-
"intendant for Indian Affairs to apprize the Tribes [409]
"of the six Nations and their Confederates of such
"intended Settlement and that the Lords Commissioners

"for Trade and Plantations should be directed to prepare
"a proper Clause or Clauses to be inserted in the Grant
"saving and reserving to the respective Occupiers all prior
"Claims to Lands within the Limits of the said Grant
"whether derived from Equitable or legal Titles And
"further strictly prohibiting the Petitioners and their
"Associates and their and each and every of their Heirs
"and Assigns from Settling, Occupying or Improving any
"part of the Lands lying between the Line which has
"been settled by Treaty as well with the Tribes of the
"six Nations and their Confederates as with the Chero-
"kee Indians as the boundary Line between Your Ma-
"jesty's Territories and the Hunting Grounds of the In-
"dians, and the Line proposed by the Petitioners begin-
"ning on the South side of the River Ohio, opposite to
"the Mouth of Sioto, and running thence Southerly
"through the Pass in the Cherokee Mountains to the
"South side of the sd Mountains But that all that
"part of the said Lands, comprehended between the said
"two Lines shall remain wholly unsettled and unoccupied
"by the Petitioners and their Associates, and each and
"every of their Heirs and Assigns, until such time as
"Your Majestys Allowance and Permission for the set-
"tling and occupying the same shall be first Obtained.—
" And Lastly the Lords of the Committee are of
[190] "Opinion to the End that the several Persons actually,

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"or that may hereafter settle on the Lands in Question,
"may be more properly and quietly governed, that the
"said Settlement and District may be Erected into a
"separate Government in such Form and manner as
"to your Majesty's wisdom shall seem meet; and un-
"der such other Restrictions and Regulations as the
"Lords Commissioners for Trade and plantations shall
"Advise". —

His Majesty taking the said Report into Consideration, was pleased with the Advice of his Privy Council to approve of what was therein proposed and accordingly to give the necessary Directions to the Lords Commissioners for Trade and plantations for carrying the same into Execution — And His Majesty is hereby pleased to Order that the Right Honourable the Earl of Dartmouth One of his Majesty's principal Secretaries of State do receive his Majesty's pleasure for directing his Majesty's Superintendant for Indian Affairs to apprize the Chiefs of the six Nations and their Confederates of his Majesty's Intention to form a Settlement upon the Lands purchased of them by his Majesty in 1768. /

Endorsed Virginia. / Copy of an Order of / the King in Council, / dated August 14. 1772. / C.C. 22. / Recd Dec.r 12 / Read Do 21 } 1772. [Pg 2]

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Virginia 22d January 1726/7

My Lord,

When I had last the honour to pay my Duty to your Grace, I gave some Account of our Gov.-ernours Death and the Suspension of Mr. Jenings. It was no small Satisfaction to those, who had advised this as absolutely necessary to his Majesty's Service, to find after-wards, that the Measures taken here must have re.-ceived his Majesty's Approbation, since He was pleased upon the Representation of the Lords of Trade to direct, that Colonel Carter should take upon him the Govern.-ment of the Colony during Mr. Drysdale's Absence.

My Lord, I now humbly presume to lay before your Grace a State of my Office of Secretary of Vir.-ginia, which I have drawn up with all the truth and Exactness I could furnish myself with from the Records of the Country and the Council Journals. And if any thing do's not appear in the clear light it ought to do, it is because the Original Instruments cannot be found, but must [1.2] be supposed to have been lost many Years ago in the fire at James Town. The small Value of my Place, by reason of the low price of Tobacco our Staple Commodity at this time, will make it the more excusable in me to endeavour to obtain all the Privi.-leges and Perquisites of it, which have been enjoyed by former Secretaries, and which His Majesty has been

graciously pleased by His Letters Patent to grant to me in as full and ample Manner as they have held it. And as I am far from desiring any other Profits or Privileges than have always gone along with the Office, except where the Secretary, either holding the Place by the Governour's Appointment or Recommendation, has thought fit to complement him with what of right belonged to himself. I hope I shall have your Grace's Pardon whilst I request Your Favour and Protection in this Matter. I have desired Mr Lehenp to wait on You and to intercede for a favourable Recommendation of me to his Majesty, if You can think it proper; tho' indeed this is what I ought not to expect, having neither Abilities Experience nor any thing else to boast of, that can induce Your Grace to give Yourself this trouble on my Account, but a hearty and entire Zeal and Affection to his Majesty's Person Family and Government.

[p. 2] As to the Power of Appointing the County Court Clerks, which makes so great a part of the Case inclosed, tho' it is the most considerable Privilege belonging to my Office, and that which I most desire to be supported in: yet I do beseech Your Grace to believe, that I have no View in it but what is perfectly consistent with my Duty. I have never taken the Liberty to sell any one of these Places, neither do I entertain the least thought of doing it hereafter. And as I look

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on myself to be in great measure obliged to answer for the Behaviour of the Clerks, I have taken the greatest Care to fill up the Vacancies, with such Per-sons as I knew to be best qualified or came to me with proper Recommendations. But that I may not be thought to conceal any part of my Case, I will con-fess that I do take every Year from each of these Persons a small inconsiderable Sum, which is the same to a penny that has been always paid by them to the Secretary from the first of their several Appointments. I cannot learn on what Account it was that the Sec-retaries at first claimed this from the Clerks, but as I found it an Ancient Perquisite in the Office, I hope I am justified in receiving it.

The Fees for the Seal, by all that I can learn, were always paid to the Secretary 'till Governour Spots-wood took them from Doctor Cocke then Secretary and gave them to him again as Physician to his Family. At his Death they were given / to Doctor Brown, and [p. 4] upon Mr. Drysdale's Arrival, they were given to Doctor Blair. I made a Representation of this Matter to the late Governour about three Years ago. He was pleased to say He would lay a State of it before the Lord Carteret, and afterwards it was to be sent to Your Grace, but as He neglected it, I hope You will pardon me for troubling You at this time. I know there is

another way to determine the Right to a thing of this Nature, and that would be to keep the Fees and expect a Law-Suit from the Person to whom the Governour may grant them; but I think it better becomes me in such a Case to apply to his Majesty's Principal Secretary of State for Redress. If I am so happy as to have your Grace's Opinion for me, I shall receive it with the greatest Gratitude, and if it should be against me I shall acquiesce with that Duty and Submission which must always be expected from, My Lord,

Your Grace's Most Obedient
Most Devoted, and
Most humble Servant
John Carter.

Endorsed Virginia. Jan^{y} 23^{d} 172$\frac{6}{7}$ / R^{d} July 20th. Mr. Carter

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51-55

The Case of the Secretary of Virginia

The Dominion of Virginia being divided into Counties, a Court is by Law Established in Every County which is called the County Court. And of late Some Inhabitants upon the Frontiers have Complained of the great Length of their Counties, in regard to their being Situated remote from the place where their Coun-ty Court is held, Upon which they are upon Some Oc-casions bound to give their attendance. And Application being made to the last General Assembly, for a Divis-ion of these Counties, Mr Dryedale the late Governor of Virginia, Supposing that the Assembly would think it Expedient to gratifie those people, was pleased to promise the Office of County Clerk of those intended New Coun-ties to Some of his Friends; And tho' nothing more was done, yet the Secretary of that Colony conceives that this tends to the bringing the Right, which he and his predecessors have ever claimed in the Appoint-ment of that Officer, into dispute: And lest any other attempt of that Sort should hereafter be made upon his Office, He thinks it incumbent on him to Shew the grounds upon which he claims So considerable a Power, and humbly implores his Majestys Favor to prevent by his Interposition in the matter, all Controversies between him and Future Governors concerning the Exercise of the Same.

He Therefore begs leave to represent, that the Office
[P. 2] of Secretary of Virginia is a very Antient Office/Establish.
-ed there upon the first Settlement of the Country, by the
Company which was incorporated by Letters patents under
the Great Seal of England in the Seventh Year of the
Reign of King James the first, by the Name of the Trea.
-surer and Company of Adventurers and planters of the
City of London for the first Colony in Virginia, to whom
that Territory was granted. And in the Begining it was
the proper business of this Officer to write all the
publick Letters, and Enter all Acts and Orders of the Gov.
-ernor and Council in their Journal Books; But when
the Circumstances of the Colony made it necessary
to Erect a Court of Justice for the determining dif.
-ferences between the Inhabitants, a Court was erected
accordingly, improperly called a Court Marshal of which
the Governor & Council were the Judges, who took Cog.
-nizance of all maner of Causes both Criminal and
Civil, and of this Court the Secretary was Chief Clerk,
and as Such had the Custody of all the Records. From
whence he was also called Recorder General: And un.
-der those Circumstances he continued until the Com.
-panys Charter was repealed in the two and twentieth
year of the Reign of King James the first, upon a Quo
Warranto brought against them on acct of their Arbi.
-trary & illegal proceedings in their General Courts held

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in London, and the Male Administration of the Govern:
.mt in Virg.a

/After this the Government not being throughly [1.3] 52
Settled in the time of King James, King Charles the first
in the first year of his Reign issued a proclamation
declaring that the late proceeding against the Company
was intended for the benefit of the people, and that
none of their Rights or properties should be thereby in:
.fringed, but that they should Still live under the
Same form of Government, and in the Same Security
they had done under the Company: And at the Same
time by Letters patents under the Great Seal of Eng:
.land did appoint a Governor and Council and did
Nominate William Blaiborne a Member of the Council
to be Secretary of State with full Power & Authority to
Act and Do what ever was incident and appertaining to
that Office

The Governor and Council by virtue of General
Words in these Letters patents, retaining their power of
Judicature which they had exercised before the dissolution
of the Company, The Secretary being one of the Coun:
.cil became a Judge, and So was disabled to
Act any longer as a Ministerial Officer of the Court, Yet
he Still was intrusted with the keeping of the Records
and all the public papers, which from the begining
had been annexed to his Office. And as it would

have been very unreasonable that the Clerk of the Court, who was to have the actual possession of the Records for which he was answerable, should be appointed by
[4.4]
any other person, So he claimed/ the Right of that appoint.
.ment and he and his Successors have Enjoied it ever Since without Interrupcon

As the Colony increased, and the Inhabitants Set.
.tled in places remote from James Town, which was the Seat of Government, those remote plantations were di.
.vided in Hundreds or precincts, and for the more Easie Distribution of Justice in Small Causes, a Court was es.
.tablished in Each Hundred, wherein one of the Council usually presided: But in the year 1634 the Country was divided into Eight Counties, which were to be Governed as the Counties were in England: In them Lieut.s were appointed to Comand the Militia and Sheriffs were Elected and invested with the Same power as Sheriffs have in England

And then the Hundred Courts were changed in.
.to County Courts, which in the Begining had jurisdiction of no Cause above £10 value, but are not now limitted to any Sum. When these Inferior Jurisdictions were first established, the Secretary was judged the fittest person to have the Care of Keeping of their Records, And therefore the Clerks of the Hundred Courts and afterwards the County.
.Clerks, were required to Send the Same to his Office,

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which Custom Continued for Several Years, But being dis-
-used, those Records now remain in the possession of the
Clerks of the respective Counties, who give Bond to the
/Secretary for the Safe keeping them. So the Secretary of [p.5] 53
Virginia for the time being hath ever since been Keep-
-er of all the Records not only of these Antient Counties,
but of all other Counties, which have since from time to
time by reason of the Increase of New Settlements been
Erected; And in Consequence of that, hath not only con-
-stantly appointed all the County Clerks in Virg.a Ex-
-cept in One or two Instances, but hath always been
allowed to receive of them a Small yearly Sum as an
acknowledgment of their Subordination to him.

And the present Secretary conceives that as his Majesty has been pleased to Grant that Office to him during his life with all the Rights Powers privileges which any other Secretary hath ever Exercised or En-
-joied, this power is thereby confirmed to him, and humbly hopes he shall be justified in the Appointment of the Clerks of any Counties which may hereafter be Erected, Notwithstanding these late pretensions to the Con-
-trary, which as the Secretary is given to Understand had their foundation, partly from precedents in other Govern-
-ors times, and partly from certain General Words in the Kings Letters patents, whereby the Governor of Virginia is appointed to this Effect, 'That the Governor or Comander

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"in chief of Virginia for the time being shall with the
"Advice of the Council Erect constitute & Establish Such and
[p.6] "So many Courts of Judicature and public/Justice within that
"Colony as he Shall think fit and necessary, for the hearing
"and determining of all Causes as well Criminal as Civil
"according to Law and Equity, and for awarding Execution
"thereupon, with all reasonable and necessary Powers & Au-
"thorities fees and privileges, And that he shall Constitute
"and appoint judges Commissioners of Oyer & Terminer Justices
"Sheriffs & other Officers for the better Administration of justice
"and putting the Laws in Execution.

Now the Secretary hath Endeavourd to inform him-
-self from the Council Journals of the Instances wherein
this power hath been exercised by any Governor and for
that purpose hath also perused many Comissions to Coun-
-ty Clerks now remaining upon record in Several Coun-
-tys, And hath only been able to discover, that after the
Death of Mr Wormley the Secretary of Virg[a] in the Year 1700.
Mr. Jennings was appointed Secretary in his Room by Govern-
-or Nicholson, and before he rec[d] any Comission for that
Office from the King, in the latter End of the Year 1701
The Governor and Council chose a Clerk for the County
of King William, then newly made a County, wherein Mr
Jennings, who held his Office by the Governors favor, thought
fit to acquiesce, yet Even this Clerks Commission was Sign-
54 [p.7] -ed by the Secretary, as he is Credibly informed / And

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lately in the year 1721 when Several New Counties had been Erected by the General Assembly, Colo Spotswood, in the Ab-sence of Mr Tickell then Secretary, did appoint the Clerks of those Counties, by Commission under his hand and Seal: wherein he was pleased to Express by way of Recital that the Nomination and Appointment of all Officers necessary for the due Administration of Justice in all New Erected Coun-ties within this Colony did properly belong to the Gov-ernor or Comander in Chief of this Dominion for the time being, and more particularly the appointing the first Clerk; Yet not relying altogether upon his Authority as Governor he further Sets forth, that he had Power from Mr. Tickell to Act for him in all matters concerning the Execution of his Office. And then proceedes to the Appointment of the Clerk. Expressly declaring, that he Should hold his Office only during the pleasure of Mr. Tickell or his Sufficient Deputy or Attorney. And besides these two the Said Secre-tary can venture to affirm no precedents can be found of a County Clerks being appointed by a Governor: But on the Contrary divers Commissions can be produced whe-by it will appear that the Secretary hath appointed the first County Clerkes of other New Counties as absolutely as any other. And even these Examples can have no Operation against the Secretarys right: For he cannot but observe how inconsistent the manner of appointing these (P.8) Clerks, is with that absolute Power which is said to

belong to the Governor in respect of the first Clerk, and that there appears in these two Governors a great Diffidence about it; otherwise in the former Instance it would not have been thought necessary that the Governor & Councils Election, should receive a Sanction from the Secretary, and in the latter Col: Spotswood needed not to have mentioned Mr Fiebells power but would Surely have relied on his own Authority. Besides the Secretary cannot understand, why from these General Words of the Govern.r patent, He should only have a power to appoint the first Clerk, Since by as easie an Interpretation he may appoint Every Succeeding Clerk; Nor can it be reasonable that this first Clerke Should be liable to be Superseded by the Secretary, which are expresly the Terms of Col: Spotswoods Commissions

But he Flatters himself that as these precedents can avail nothing, So the words of the Governors patent can never by any Legal Interpretation be extended to take away a power which has by other General Words as binding and conclusive as these, been confirmed to the Several Secretarys of this Colony under the Great Seal of England as often as any Secretary hath been appointed by the Crown of Eng. 55 [1.9] land, as will Sufficiently appear by their respective patents And thus he humbly Submits this State of his Case, with re. spect to his Right of appointing all the County Clerks in Virginia, the truth of which can be proved by many records and other Authentic papers, to his Majestys Gracious determina. tion—

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But the Said Secretary being deprived of a con-
-siderable perquisite formerly belonging to his Office, He fur-
-ther begs leave to represent, that in his Office All patents
and Commissions of the peace and Oyer and Terminer are
prepared by the Clerks, which he maintains there at his
own Expence, for the Governors Signing, and being Signed
by him are brought back and Sealed by the Secretary and
then recorded: Therefore the Great Seal hath alwaies re-
-maind in the Custody of the Secretary of Virginia. But
for Sealing these patents and Commissions neither the Gov-
-ernor or Secretary hath ever been allowed to take any
ffee; because the people might not be thereby discouraged
from Suing out patents for the Kings Lands, and that
Justice might be administred as Cheap as possible

Yet it being very usual for the Secretary by
the Governors Orders to make out Exemplifications of Pa-
-tents, Deeds, Wills and probate thereof Letters of Administra-
-tion and other public Testimonials and Certificates of the
Freedom of Ships belonging to that Colony and to affix
the Seal to the Same, It hath been/alwaies Customary [p.10]
for him to take a fee of Twenty Shillings as well for
making out Such public Instruments as for affixing the
Seal to the Same, which was never accounted for to the
Governor, Until ^the time the ~~the~~ ~~State~~ ~~Governor~~ ~~demanded~~ and received it;
~~them~~ ~~following~~ the Example ~~of~~ ^of Col: Spotswood, who claimd
that ffee as his Right, but gave it to Doctor Cocke then

Secretary as he was Physician to his Family

Now the Secretary, tho' he desires not to dispute the Governors Right to take a fee for the Great Seal, Humbly beseeches his majesty that this Antient fee which was for So many Years thought to belong to his predecessors may be restored to him - And Forasmuch as he is obliged in his own name to issue Commissions to the County Clerks, and All passes for persons departing the Colony, which he would not presume to Seal with any Seal but his own Arms, He prays that his Majesty will be pleased to grant him a Seal for his Office, to the End that Such Instruments may gain the better Credit in remote parts, which he the rather hopes he shall obtain, Since for want of it, the Great Seal is upon many Occasions improperly used -

All which is most humbly Submitted

Endorsed Case of the Secretary of/ Virginia./ In Mr. Carter's of Janr 22d. 1726/7.

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Close paper placed between 70 & 71

31B (old number)

Charakees Noyoowee September the 18th. 1728_

Whereas I have lived and traded in this nation for the space of seven years and have Thorely learn their tongue being upon some business called home to England the King and head Warrios would not lett me depart after hearing I was to goe home till I gave them my promise to return and to deliver their presents that they would send by me to the King's most Excellent Majesty their master over the great water and likewise to return them his answer by the mulbery moon next which will be in June according to our stile, I had not the presumption to under-took their message till after some time of consideration and the advice of our agent and Severall of my friends. that it would prove to the advantage of my King and country as I shall here mention, in the first place when South carolina was Involved in an Indian warr they where the first people that Joyned with us to Subdue the Indians that was against us this was transacted in the government of Charles Craven Esqr then governour of South Carolina who sent up to the said Nation foure hundred men white and blacks under the command of colonel Morise, -more and at the same time came in a Body of Bricks or southern Indeans to them in order to cutt off our army but after a counsell held among themselves as God would have it they concluded to Kill the messengers that

came from the Indians and accordingly about twelve a clock at Night Struck the blow and brought upon themselves and families a continual war which I have since been and Eye witness too for when their wives and childrens have been Killed or taken away slaues they have told me that if it had not been to save the white people they would have been at peace and quitness but withall did not value it hopeing one time or other they would be rewarded for their trust to us secondly they are the only Indians that Carolina can have any dependance upon been no wayes corrupted by the krown of france nor Spain nor would they euer Suffer it for I have Seen ten of the french Indians Killed that was sent to them to treat conserning trade or peace their answer being that they would have
[p. 2]
nothing to say-/ butt to the English as to all our other Indians which is but three nations they cant not be call'd ours for the Chickasaws have among them the french whom have Setled a fort and has to the cricks they have also a french fort amongst them and notwithstanding the Spaniards also trade amongst them and has to the third Nation which is the Catawbes they are hardly worth Notice been in number butt foure hundred men butt yett they are deuided some to the interest of Virginia and others to Carolina So that wee cant properly call any of them ours butt these Charakees who are the only barier or Lyne between the ffrench and us and if once the

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french should gett footing there who are a very en:
.croching neighbour not valuing a vast present of arms
and amunitions so as they can Enlarge their masters
territories and be troublesome to their neighbours. for the first
thing they do after a peace with any Nation of Indians
whatsoever is to Settle a fortification and debar them from
the commerce of any other person Whatsoever in trade or
otherwise which is what I have ever since told the Chara.
.kees that if once they came into friendship with the
ffrench they then would be as slaves and no more a
ffree people and they have at a solemn meeting Promis
me they never would come to a peace with the french
without I was their interpreter and if they Keep their word
which I dont fear if I do butt Keep mine which with
the grace of God after hearing his Majesty. will and
Pleasure I intend to Perform to those poor people the
Heathens which are the honestest and truest to their
word of any people I ever New and depend intirely on
the word of a Christian, has to the Presents they have
sent are of no value to us butt in their way are as
much Lookt upon as possible in the first place the
Eagle's Tayle which is sent by the King of Taneshe (Illinois) to
his most sacred Majesty is an Emblem or token of
an intire ffriendship and has to the barpets they are
for his Majesty to walke upon. the pipes are of a great
value among them butt red and they have ordered me

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to doe them over with thaulk as every thing that comes from them in peace must be while as to the Girdle It is sent from a man of warr whom to my Knowledge Loves us Intenily as to garters and oter thin I shall not make any remarks upon by reason it would be to tedious to tell [p.2] who send them/Lett it sufise that these presents are sent from the King of the Charakees and Eleven head waniors whom have a great desire to see his Majesty and the strength of our Nation that they may tell their people if they should obtain that hapiness how dangerous it would be to brake ffriendship with us Likewise they are very desirous to see all things and how they are made for their young people thinks it impossible such things as we cary amongst them should be made by the hands of man as to my own part, what I doe is out of pure Zeale to serve my King and country. I was born In London of french parents and protestants so that having the french & English Tongue I have had the oportunity by French men that has been by these people taken slaves to understand all their plotts and if they could once gain the Charakees how they would plague Carolina which I heartily pray God they never may nor never shall if I return been a true ffriend to my countrey a mortall Enemy to ffrench & Spaniards wish. -ing they never may Engross our Libertyes abroad nor all home.

Endorsed Charackees &/ John Savy &/ Mr Wyat /Sept.r 18. 1728

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My Lord Duke.

On the 12th Instant I received an Express by Sea, with a letter from the Governor of South Carolina, a Copy whereof is Inclosed, That the Spaniards About One Thousand, from the Havanna as the Express Says had landed Somewhere to the Southward of Georgia; and as it is Supposed with a Design to Attack that New Settle-ment, Desired the Assistance of our Station Ships. Ac-cordingly as soon...provision and water could be gott on board for such a voyage, the South Sea Castle a Ship of forty Guns under the Comand of Capt. Dandridge Sail-ed hence, Steering his Course for that Province.

On the 19th Instant I received by an Express a letter from the Governor of Maryland, with a Copy of a letter sent Him by the Governor of Pensilvania, and part of the proceedings of a Treaty lately held in that Province with the Heads of the Six Nations, with the Examination of several Tributary Indians in Maryland, living on the Eastern shore, Copies of which papers are likewise Enclosed, the whole Discovering a Dangerous Conspiracy formed by our Heathen Neighbours to Attack Pensilvania and Maryland.

With regard to this Intelligence I have with the Advice of Council, Assured the Governor of Maryland, in case they are Attackt, he shall have all the assist-ance my Authority or Influence can give him, telling

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him withal, that tis my Opinion, that if the Indians are so hardy as to Attempt to Execute what they have Projected, they are too cunning not to begin with us, rather on Our Western than our Eastern Settlemt. where our Inhabitants being thinly Seated are more open and expos-ed, for which reason I had sent powder and Ball to our people on that Side, and ordered our Inhabitants on the Western side of the Great Mountains who live Dispersed, Up-on any Alarm of that kind, to retire with their ffami-lys and Effects on this Side those Mountains, putting themselves under the Protection of the Militia of our
[p. 2] Frontier Countys, having / ordered the Commanding Officers of those Countys to keep Constant Patroles in large Bodys to prevent Surprize and Directed the Militia of the next Countys to them, without waiting for further orders, to March imediately where the Assistance is want-ed. And your Grace may Depend upon every thing that can be done to Secure ourselves, and help our Neigh-bours against the daring Efforts of such a Barbarous Crew.

Your Grace will observe in the papers, that the Neglect of making the Indians Satisfaction for some Lands they pretend a right to in Maryland is the Colour for their Resentment But if such Claims are allowed to them, we are sure to be called upon the next; In the Treaty Mr. Spotswood made with the Six Nations at New York, Some Years agoe, It is expressly Stipulated that the Indians

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belonging to and Depending Upon the Six Nations were not to come to the Eastward of the Great Mountains nor were ours (meaning the Tributary Indians) to go to the west-ward) But by the perversion of this Text, they now main-tain that the English were not to pass that Boundary. Thus the Dispute Stands at present, and what the Conse-quence may be from those Sly Revengefull people, is not easy to put or foresee. ffor we in Virginia are not in Circumstances to Answer such Demands as they may make for their Lands, on which Familys are Seated, without any Grant from the Crown or the proprietor of the Northern Neck, it being within the Disputed Bounds, and impossible to prevent Such Settlements.

[I am with the greatest Duty and Respect

Your Grace's

Most humble and obedient

Servant

William Gooch

Virginia
July 28th. 1742

Augt. first, the Secretary of this Colony John Carter Esqr. died the last night, and by this Conveyance have inform-ed L. Albemarle of it.

Endorsed Virginia 28th July 1742 / Govr. Gooch / Rd 13 Dect.